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**HANSARD'S
PARLIAMENTARY DEBATES,**

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

42° & 43° VICTORIÆ, 1879.

VOL. CCXLVII.

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THE SEVENTEENTH DAY OF JUNE 1879,

TO

THE NINTH DAY OF JULY 1879.

Fifth Volume of the Session.

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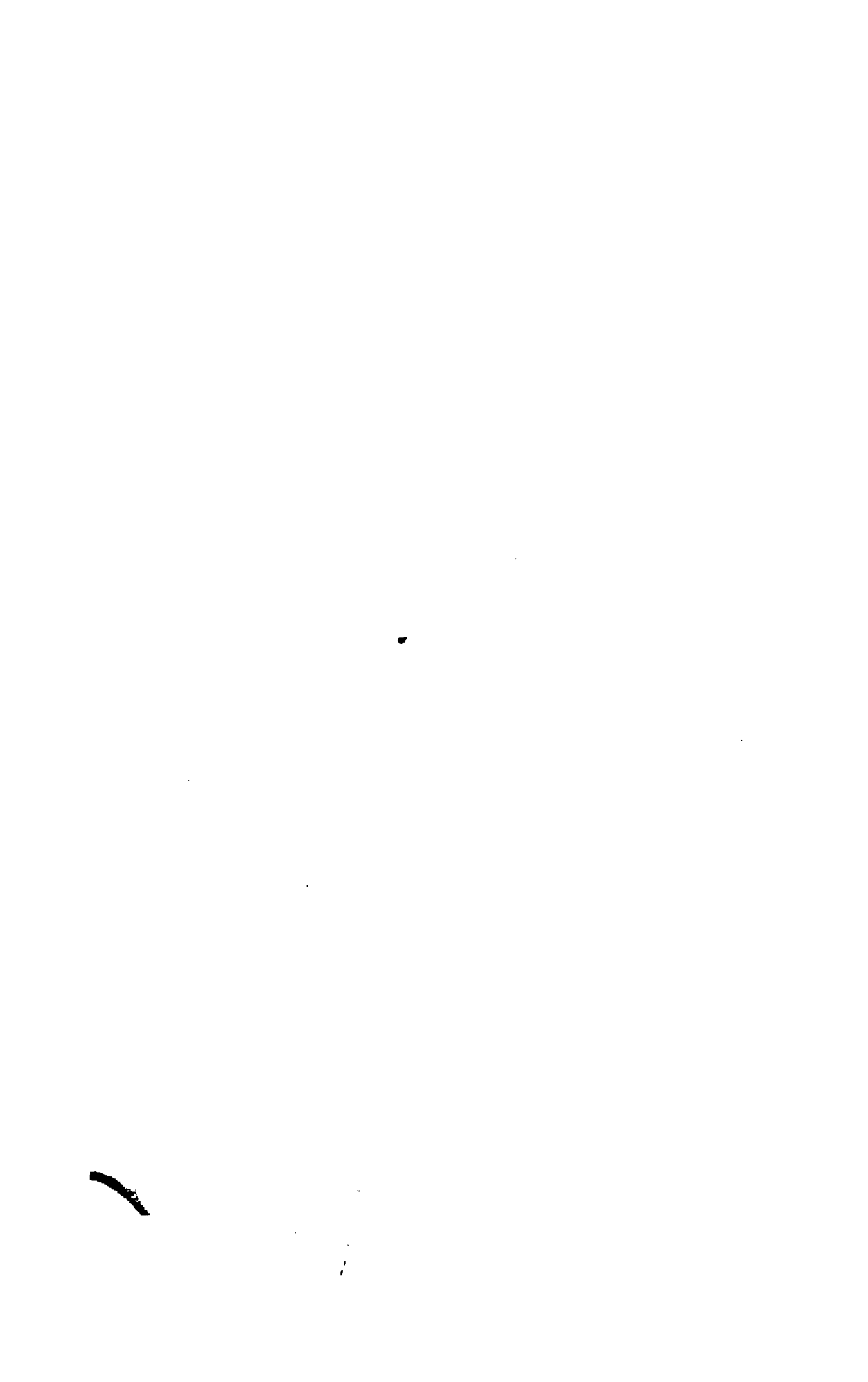


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[House counted out.]

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Order read, for resuming Adjourned Debate on Amendment proposed
to Question [21st May], "That the Bill be now read a second time :"—
And which Amendment was—

To leave out from the word "That" to the end of the Question, in order to add the
words "while this House recognizes that the funds set free by the disestablishment of
the Irish Church should be devoted to the benefit of the people of Ireland, provided
they are not again applied to the support of any sectarian religion, it is not desirable
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The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

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SUPPLY—*Resolved*, That this House will immediately resolve itself into the Committee of Supply,—(*Mr. Chancellor of the Exchequer*.)

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair: "—

POOR LAW (IRELAND)—CHILDREN IN IRISH WORKHOUSES—MOTION FOR A SELECT COMMITTEE—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire what steps it is desirable to take to improve the state of children in Irish workhouses,"—(*Mr. Arthur Moore*),—instead thereof 889

Question proposed, "That the words proposed to be left out stand part of the Question: "—After debate, Amendment, by leave, *withdrawn*.

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Tramways Orders Confirmation (re-committed) Bill [Bill 215]—

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Partnership Bill—*Considered* in Committee :—Resolution *agreed to*, and *reported* :—Bill *ordered* (Mr. Sampson Lloyd, Mr. Herschell, Mr. Gregory, Mr. Whitwell) ; *presented*, and read the first time [Bill 225] 928

Cork Borough Quarter Sessions Bill—*Ordered* (Mr. Murphy, Mr. Shaw, Mr. Goulding, Colonel Colthurst) ; *presented*, and read the first time [Bill 226] 928

Highway Accounts (Returns) Bill—*Ordered* (Mr. Sclater-Booth, Mr. Salt) ; *presented*, and read the first time [Bill 227] 928

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NEW NORTHERN (VICTORIA) UNIVERSITY—Question, Lord Winmarleigh ; Answer, The Duke of Richmond and Gordon 930

INSURANCE COMPANIES—**PARTICIPATION OF PROFITS**—Question, Lord Stanley of Alderley ; Answer, The Lord Chancellor 931

University Education (Ireland) Bill—

Bill to promote the advancement of learning and to extend the benefits connected with University Education in Ireland—*Presented* (The Lord Chancellor) 931

After short debate, Bill read 1st (No. 134.)

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After long time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.	

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

ORDERS OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair,”—(<i>Mr. W. H. Smith</i>) ..	888
After short debate, Question put, and agreed to.	

SUPPLY—considered in Committee—NAVY ESTIMATES.

(In the Committee.)

(1.) £891,615, Half-Pay, Reserved Half-Pay, and Retired Pay to Officers of the Navy and Marines.—After short debate, Vote agreed to	889
(2.) £803,920, Military Pensions and Allowances.—After short debate, Vote agreed to	889
(3.) £301,211, Civil Pensions and Allowances.	

Resolutions to be reported upon *Monday* next.

SUPPLY—Resolved, That this House will immediately resolve itself into the Committee of Supply,—(*Mr. Chancellor of the Exchequer.*)

Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—

POOR LAW (IRELAND)—CHILDREN IN IRISH WORKHOUSES—MOTION FOR A SELECT COMMITTEE—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to inquire what steps it is desirable to take to improve the state of children in Irish workhouses,”—(*Mr. Arthur Moore*),—instead thereof 889

Question proposed, “That the words proposed to be left out stand part of the Question:”—After debate, Amendment, by leave, *withdrawn*.

Question again proposed, “That Mr. Speaker do now leave the Chair:”—

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Tramways Orders Confirmation (*re-committed*) Bill [Bill 215]—

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After short debate, Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time upon Monday next.

Partnership Bill—*Considered* in Committee :—Resolution *agreed to*, and *reported* :—Bill ordered (*Mr. Sampson Lloyd, Mr. Herschell, Mr. Gregory, Mr. Whitwell*); *presented*, and read the first time [Bill 225] 928

Cork Borough Quarter Sessions Bill—Ordered (*Mr. Murphy, Mr. Shaw, Mr. Goulding, Colonel Colthurst*); *presented*, and read the first time [Bill 226] 928

Highway Accounts (Returns) Bill—Ordered (*Mr. Slater-Booth, Mr. Salt*); *presented*, and read the first time [Bill 227] 928

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THE LATE LORD LAWRENCE—Question, Observations, Earl Granville; Reply, The Earl of Beaconsfield 929

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NEW NORTHERN (VICTORIA) UNIVERSITY—Question, Lord Winmarleigh; Answer, The Duke of Richmond and Gordon 930

INSURANCE COMPANIES—PARTICIPATION OF PROFITS—Question, Lord Stanley of Alderley; Answer, The Lord Chancellor 931

University Education (Ireland) Bill—

Bill to promote the advancement of learning and to extend the benefits connected with University Education in Ireland—*Presented* (*The Lord Chancellor*) 931

After short debate, Bill read 1st (No. 134.)

THE LATE PRINCE IMPERIAL—Question, Observations, Lord Campbell; Reply, The Earl of Beaconsfield 945

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<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Earl Stanhope</i>) ..	1060
Amendment <i>moved</i> , to leave out ("now") and add at the end of the Motion ("this day three months,")—(<i>The Earl Granville</i> .)	
On Question, That ("now") stand part of the Motion? their Lordships <i>divided</i> ; Contents 116, Not-Contents 65 ; Majority 51.	
Division List, Contents and Not-Contents ..	1067
<i>Resolved</i> in the <i>Affirmative</i> .	
THE LATE PRINCE IMPERIAL—Question, Observations, Lord Truro ; Reply, Viscount Bury	1069

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PRIVATE BUSINESS.

East India Railway Bill (<i>by Order</i>)—	
<i>Moved</i> , "That the Bill, as amended, be now taken into Consideration,"—(<i>Mr. J. G. Hubbard</i>)	1074
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House, adopting the recommendation contained in the Special Report of the Committee to which this Bill was referred, is of opinion that its provisions should not be regarded as a precedent for defining the terms on which the Indian Government may hereafter exercise its right of acquiring possession of the other guaranteed Railways in India,"—(<i>Mr. Fawcett</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Question put, and <i>negatived</i> .	
Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> .	
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Indian Marine (re-committed) Bill [Bill 211]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. E. Stanhope*) .. 1140
Moved, "That the Debate be now adjourned,"—(*Sir Charles W. Dilke*):—
 Motion agreed to:—Debate adjourned till Thursday.

Poor Law Amendment (No. 2) Bill [Bill 212]—

Moved, "That the Bill be now read a second time,"—(*Mr. Salt*) .. 1141
 It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

MOTION.

EDUCATION (WALES)—RESOLUTION—

Moved, "That, in the opinion of this House, it is the duty of the Government to consider the best means of assisting any local effort which may be made for supplying the deficiency of higher education in Wales,"—(*Mr. Hussey Vivian*) .. 1141
 Amendment proposed, to leave out the words "assisting any local effort which may be made for,"—(*Viscount Emlyn*).
 Question proposed, "That the words proposed to be left out stand part of the Question:—"After long debate, Question put, and *negatived*.
 Main Question, as amended, put:—The House *divided*; Ayes 54, Noes 105; Majority 51.—(Div. List, No. 142.)

ORDERS OF THE DAY.

Supply of Drink on Credit Bill [Bill 224]—

Moved, "That the Bill be now read a second time,"—(*Mr. Serjeant Spinks*) .. 1183
 Motion agreed to:—Bill read a second time, and committed for Thursday.

Children's Dangerous Performances Bill [Bill 229]—

Moved, "That the Bill be now read a second time,"—(*Mr. Evelyn Ashley*) 1185
 After short debate, Motion agreed to:—Bill read a second time, and committed for Thursday.

Charity (Expenses and Accounts) (No. 2) Bill—Resolution [June 30] reported, and agreed to:—Bill ordered (*Mr. Raikes*, *Sir Henry Selwin-Ibbetson*, *Mr. Chancellor of the Exchequer*); presented, and read the first time [Bill 230] .. 1187

New Forest Act (1877) Amendment Bill [Bill 10]—

Order for Committee [9th July] read, and discharged:—Bill committed to a Select Committee of Five Members, Three to be nominated by the House, and Two by the Committee of Selection:—Power to send for persons, papers, and records; Three to be the quorum.—(*Mr. Selater-Booth*).
 And, on July 3, Committee nominated:—List of the Committee .. 1187

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PRIVATE BUSINESS.

East India Railway Bill (by Order)—

Moved, "That the Bill, as amended, be now taken into Consideration,"—
(*Mr. J. G. Hubbard*) 1187

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Wednesday next,"—(*Sir George Campbell*.)

Question proposed, "That the word 'now' stand part of the Question :"
—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Bill *considered* 1206

Bill to be read the third time.

ORDERS OF THE DAY.

Spirits in Bond Bill [Bill 19]—

Moved, "That the Bill be now read a second time,"—(*Mr. O'Sullivan*) .. 1208

After debate, Question put, and *agreed to*:—Bill read a second time, and committed for Monday next.

Landlord and Tenant (Ireland) Act (1870) Amendment Bill

Moved, "That the Bill be now read a second time,"—(*Mr. D. Taylor*) .. 1228

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Gregory*.)

Question proposed, "That the word 'now' stand part of the Question :"
—After debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

LORDS, THURSDAY, JULY 3.

UNIVERSITY EDUCATION (IRELAND) BILL — Question, Observations, Earl Granville; Reply, The Lord Chancellor 1246

Divinity School (Church of Ireland) Bill (No. 36)—

Moved, "That the Bill be now read 2^a,"—(*The Earl of Belmore*) .. 1248

After debate, Motion and Bill (by leave of the House) *withdrawn*.

THE PARLIAMENTARY PAPERS—Observations, The Earl of Camperdown;
Reply; The Earl of Beaconsfield 1262

Valuation of Lands (Scotland) Amendment Bill (No. 83)—

Moved, "That the Bill be now read 3^a,"—(*The Earl of Galloway*) .. 1263

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months,")—(*The Earl of Camperdown*.)

After debate, on Question, That ("now") stand part of the Motion?
their Lordships *divided*; Contents 66, Not-Contents 29; Majority 37.

Division List, Contents and Not-Contents 1271

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<i>Moved</i> , "That this House will resolve itself into the said Committee on Saturday, at One of the clock,"—(<i>Mr. Chancellor of the Exchequer</i>) ..	1401
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Question proposed, "That the word 'One' stand part of the Question :" —After short debate, Amendment, by leave, <i>withdrawn</i> .	
Original Motion, by leave, <i>withdrawn</i> .	
<i>Resolved</i> , That this House will resolve itself into the said Committee on Saturday, at half after One of the clock.	
Inclosure Provisional Order (Maltby Lands) Bill [Bill 173]—	
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Children's Dangerous Performances Bill (<i>Lords</i>) [Bill 229]—	
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LORDS, FRIDAY, JULY 4.

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After short debate, on Question ? <i>Resolved</i> in the <i>Negative</i> .		
INDIAN PRINCIPALITIES—RIGHTS OF SUCCESSION—RESOLUTION—		
<i>Moved</i> to resolve, That this House is of opinion that all cases of disputed succession to Indian Principalities or States not involving preponderating political considerations or criminal elements should be decided by judicial authority, and be referable to the Judicial Committee of Her Majesty's Privy Council,—(<i>The Lord Stanley of Alderley</i>)		1415
After short debate, on Question ? <i>Resolved</i> in the <i>Negative</i> .		

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ORDERS OF THE DAY.

—:0:—

SUPPLY—Order for Committee read; Motion made, and Question proposed,
 “That Mr. Speaker do now leave the Chair:”—

AGRICULTURAL DISTRESS—MOTION FOR AN ADDRESS—

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to appoint a Royal Commission to inquire into the depressed condition of the agricultural interest, and the causes to which it is owing; whether those causes are of a temporary or of a permanent character, and how far they have been created or can be remedied by legislation,”—(*Mr. Chaplin*,)—instead thereof 1425

Question proposed, “That the words proposed to be left out stand part of the Question:”—After long debate, *Moved*, “That the Debate be now adjourned,”—(*Mr. O'Connor Power*:)—Motion, by leave, *withdrawn*.

Question, “That the words proposed to be left out stand part of the Question,” put, and *negatived*.

Words *added*:—Main Question, as amended, put, and *agreed to*.

Railways and Telegraphs in India Bill [*Lords*] [Bill 192]—

Moved, “That the Bill be now read a second time,”—(*Mr. Edward Stanhope*) 1544

After short debate, Motion *agreed to*:—Bill read a second time, and *committed for Monday next*.

— — —

Knightsbridge and other Crown Lands Bill—Ordered (*Mr. Noel, Mr. Secretary Stanley*); presented, and read the first time [Bill 231] 1546

Commons Act (1876) Amendment Bill—Ordered (*Mr. Poll, Mr. Shaw Lefevre, Sir Walter B. Barttelot, Lord Edmond Fitzmaurice*); presented, and read the first time [Bill 233] 1546

Slave Trade (East African Courts) Bill—Ordered (*Mr. Bourke, Sir Henry Selwin-Ibbetson*); presented, and read the first time [Bill 232] 1547

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Army Discipline and Regulation Bill [Bill 88]—

Bill <i>considered</i> in Committee [<i>Progress 3rd July</i>] ..	1551
After long time spent therein, Committee report Progress; to sit again upon <i>Monday</i> .	

LORDS, MONDAY, JULY 7.

POLICE (IRELAND)—DISTURBED DISTRICTS AND INTIMIDATION—MOTION FOR RETURNS—

<i>Moved</i> that there be laid before this House, Return of all persons now receiving police protection in Ireland, and of police posts of constabulary located in disturbed districts; and a Return of farms now unoccupied from intimidation,—(<i>The Lord Oranmore and Browne</i>) ..	1684
After short debate, Motion (by leave of the House) <i>withdrawn</i> .	

Summary Jurisdiction Bill (No. 97)—

<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Chancellor</i>) ..	1699
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Tuesday</i> the 15 th instant.	

CATTLE DISEASE (IRELAND)—CONTAGIOUS DISEASES (ANIMALS) ACT—Question, Observations, Lord Emly; Reply, The Duke of Richmond and Gordon :—Short debate thereon ..	1704
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ARMY—DEATHS AND INVALIDS ON FOREIGN STATIONS—MOTION FOR A RETURN—

<i>Moved</i> that there be laid before the House a Return showing the numbers and respective ages of non-commissioned officers and privates in the Army who died or were invalided home from Her Majesty's Indian, Colonial, and other Foreign Possessions during the five years from January 1, 1874, to December 31, 1878, in a tabulated form, set forth in the Notice of Motion,—(<i>The Earl of Galloway</i>) ..	1708
Motion <i>agreed to</i> :—Return <i>ordered</i> .	

COMMONS, MONDAY, JULY 7.

PRIVATE BUSINESS.

PRIVILEGE—TOWER HIGH LEVEL BRIDGE (METROPOLIS) BILL—REPORT OF SELECT COMMITTEE—

<i>Moved</i> , "That the Report be taken into consideration To-morrow at Two o'clock,"—(<i>Lord Henry Lennox</i>) ..	1711
Motion <i>agreed to</i> .	

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Bill *considered* in Committee [*Progress 5th July*] 1728
After long time spent therein, Committee report Progress; to sit again
To-morrow, at Two of the clock.

Charity (Expenses and Accounts) (No. 2) Bill [Bill 230]—

Moved, "That the Bill be now read a second time,"—(*Sir Henry Selwin-
Ibbetson*) 1821
After short debate, Motion *agreed to*:—Bill read a second time, and *com-
mitted* for *Monday* next.

LORD CLERK REGISTER (SCOTLAND) [SALARY AND PENSION]—

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by
Parliament, of the Salary of the Deputy Clerk Register of Scotland, and of a Retiring
Allowance to William Pitt Dundas, esquire, which may become payable under the
provisions of any Act of the present Session to make provision in regard to the Office
of Lord Clerk Register of Scotland; and for other purposes.
Resolution to be reported *To-morrow*, at Two of the clock.

Trustees Relief Bill [Bill 145]—

Second Reading *deferred* till *Monday* next 1822
[House counted out.]

LORDS, TUESDAY, JULY 8.

Tramways Orders Confirmation Bill (No. 135)—

Moved, That the Order of the 4th of March last which limits the time for the Second
Reading of Provisional Order Confirmation Bills be dispensed with with respect to
the said Bill, and that the Bill be now read a second time,—(*The Lord Henniker*) .. 1822
After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and *com-
mitted*: The Committee to be proposed by the Committee of Selection.

University Education (Ireland) Bill (No. 134)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 1823
After debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed*
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COMMONS, TUESDAY, JULY 8.

QUESTIONS.

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BILL—BREACH OF PRIVILEGE—	
<i>Moved</i> , "That the Special Report of the Committee on the Tower High Level Bridge (Metropolis) Bill be now considered,"—(<i>Lord Henry Lennox</i>) ..	1866
After short debate, <i>Moved</i> , "That Mr. Charles Grissell do attend this House To-morrow, at Twelve of the clock,"—(<i>Mr. Callan</i> .)	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "the Special Report from the Committee on Group A of Private Bills be referred to a Select Committee,"—(<i>Mr. Chancellor of the Exchequer</i>),—instead thereof.	
After further short debate, Question, "That the words proposed to be left out stand part of the Question," put, and <i>negatived</i> .	
Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> .	
Army Discipline and Regulation Bill [Bill 88]—	
Bill <i>considered</i> in Committee [<i>Progress 7th July</i>] ..	1887
After long time spent therein, Committee report Progress; to sit again upon <i>Thursday</i> .	
The House suspended its Sitting at Seven of the clock.	
The House resumed its Sitting at Nine of the clock.	

MOTIONS.

MINISTER OF COMMERCE AND AGRICULTURE—RESOLUTION—	
<i>Moved</i> , "That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department, under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet,"—(<i>Mr. Sampson Lloyd</i>) ..	1919
After debate, Amendment proposed,	
To leave out the words "under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet,"—(<i>Mr. William Henry Smith</i> .)	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After further short debate, Question put:—The House <i>divided</i> ; Ayes 71, Noes 65; Majority 6.—(Div. List, No. 154.)	
Main Question put:—The House <i>divided</i> ; Ayes 76, Noes 56; Majority 20.—(Div. List, No. 155.)	
<i>Resolved</i> , That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department, under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet.	
Turnpike Acts Continuance Bill—Ordered (<i>Mr. Salt, Mr. Sclater-Booth</i>); <i>presented</i> , and read the first time [Bill 239] ..	1956
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TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.

COMMONS.

TOOK THE OATH.

THURSDAY, JULY 3, 1879.

The Lord Bishop of Durham, for the first time.

NEW WRIT ISSUED.

WEDNESDAY, JULY 9.

For *Glasgow, v. Alexander Whitelaw*, esquire, deceased.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE
SIXTH SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED
TILL 5 DECEMBER, 1878, IN THE FORTY-SECOND YEAR OF
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, 17th June, 1879.

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VOL. CCXLVII. [THIRD SERIES.]

RACECOURSES (METROPOLIS) BILL.

(*The Viscount Enfield.*)

(NO. 45.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

EARL MANVERS said, that, as their Lordships were aware, he was not in the habit of trespassing upon their attention; but before they proceeded to consider the measure in Committee he wished to be allowed to say a few words. The Bill, in his (Earl Manvers') opinion, had been introduced by the noble Viscount (Viscount Enfield) with great moderation and ability, and it was not brought forward before it was required; for he believed that the small race meetings, against which it was levied, were a great evil, demoralizing to the Metropolis, demoralizing to the suburbs, and an unmitigated nuisance to all of the better class of people who resided in their vicinity. Notwithstanding that the meetings might be an advantage to a few publicans whom, as a

class, he had no wish to disparage, he thought the consideration of their interests was hardly sufficient reason for the continuance of that which was a nuisance. The majority of those who attended these meetings did not know one horse from another; and if any noble Lord were to get up and say that they were calculated to improve the breed of racehorses, he could only say that he should be surprised. The noble Lord on his left who moved the rejection of the Bill, and who bore a highly respected judicial name in that House (Lord St. Leonards), told them something about vested interests, and declared that people might just as well complain of railways being a nuisance on account of the traffic and the number of travellers they brought into a neighbourhood as the sufferers from these gate meetings. Well, he (Earl Manvers) disputed that analogy altogether. Railways, it must be remembered, were made for the convenience of the whole travelling public, and where there were cases of residential injury compensation could be obtained; but no one ever heard of compensation being given through residential injury owing to these gate-meetings, by their proprietors. The noble Duke the Lord President of the Council had told them how great were the powers of the Jockey Club. He had said, moreover, that they had gone so far as to exercise their powers in the case of the race meeting at West Drayton. He (Earl Manvers) rejoiced that they had exercised those powers, and he would tell their Lordships why. Some years ago, on a very hot summer's afternoon, he was travelling from Windsor. He had taken his seat in a first-class compartment, of which he was the sole occupant, and he was congratulating himself, as it was a very hot day, on being alone, and on the pleasant journey he should have, all unconscious of the fact that it was the day of West Drayton races. The train he was in called at that station only, and on reaching it, the door of the compartment was opened, and in rushed 12 persons to occupy the seven vacant seats, without the slightest attempt at interference on the part of the railway officials. He should be sorry to characterize harshly any of his fellow-creatures; suffice it to say, therefore, that his fellow-travellers were not to be reckoned amongst the most refined of

Earl Manvers.

the human race. They were vinous, they were spirituous, and their language was neither classical, nor Parliamentary; but as they did not relieve him of his watch he had nothing further to say against them. From all that he had heard he had no reason to suppose that the frequenters of Kingsbury and Alexandra Park were at all more civilized than the persons he had just described, and of whom he had had such an unenjoyable experience. He thought their Lordships had heard of this Bill before, or of one very like it; and, unless he was much mistaken, the old one had been withdrawn on a sort of understanding that the matter should be taken up by the Jockey Club. That august body, however, evidently had had very important matters to deal with, for it had not found time, or had not had the inclination, to deal with the matter. They had been told that the police could put down these meetings, if ill conducted; but did they ever hear of the police interfering except in the case of a regular free fight taking place? Perhaps it was right that the police did not interfere, for if they did it was possible that they might exceed their duty. Since, therefore, neither the Jockey Club nor Her Majesty's Government were willing to take up the matter, he thought that all those who agreed with his noble Friend (Viscount Enfield) would rejoice that the Bill had passed a second reading, and would cordially co-operate with him in endeavouring to increase rather than impair its efficiency in Committee.

THE EARL OF HARDWICKE regretted that he was not present when the Bill passed a second reading; but he hoped the House would lend him its indulgence for a few moments whilst he made an observation or two on the measure. Perhaps no one had more right to address a few words to their Lordships on a Bill of this nature than he had, for it was only six months ago that he relinquished the position he had held as a steward of the Jockey Club. He was rather astonished, on reading over the observations of the noble Viscount who moved the second reading (Viscount Enfield), to see the various reflections he had cast upon the executive powers of the Jockey Club. His noble Friend who had just addressed them hinted that the Jockey Club was not a strong enough body to perform the duties that it had to

discharge. He believed, however, that the Jockey Club was perfectly well able to deal with all matters connected with racing without Acts of Parliament, which were really fancy legislation. During the whole of the time he had been in Parliament he could safely say that he had never known either House consent to pass any Act that was not really called for by the desires of the people or the interests of the country. This Bill, which had been brought up from the House of Commons, never seemed to him to have received the discussion in the Lower House which it ought to have received. The House of Commons treated it rather as a joke, and they might well do so, because if it was such a necessity, and if it was called for to remove such crying evils, how was it that on no single occasion had the Jockey Club received any petition on the subject? No single individual had ever made a representation to them about it. Gate meetings were, as their Lordships were aware, becoming a very considerable mercantile business, and the interest in the business was by no means strictly confined to publicans or to sinners; because he knew perfectly well that some most respectable and monied gentlemen in the country had, in the belief that they conferred considerable benefits upon racing in the country, and that they promoted legitimate sport, identified themselves with gate meetings. He doubted, if they analyzed them, whether they would not find that nearly all the meetings—Royal Ascot and Ducal Goodwood amongst them—resolved themselves into some emolument, which, in some form or another, was for the benefit of individuals or for the benefit of racing. These small Metropolitan meetings would die, or had died, a natural death. They were meetings which were got up by individuals for the purpose of making money; and in the case of Kingsbury and West Drayton, Streatham and the Alexandra Park—which meeting had been resuscitated, after having been stopped—all the meetings were at an end. Some two years ago the Jockey Club made remonstrances as to the way in which the Kingsbury and West Drayton Meetings were conducted. They said that a sufficient body of police should be employed before they could give countenance to such meetings. On the understanding that these meetings

were not looked upon favourably by the Governing Body of the Turf, they fell into disrepute, and were now, he believed, done away with. He objected to the Bill, not because it sought to remedy evils to individuals or to the public, but on the ground that it was a Bill quite contrary to the general principle of legislation. If they were to take up in Parliament the question of racecourses, he considered they ought to do it with regard to the whole of England. There were large meetings at Liverpool, Manchester, York, and other places, and it would astonish their Lordships if he were to tell them the numbers of people who attended those meetings. Why did not the people of Manchester, if they objected to the race meetings, petition against them? The area of the Bill was so limited that it would only deal with the race meeting at Alexandra Park. If they wanted to make it of any value, they should apply it to every race meeting—to the whole of England. He would rather see it made to apply to every racecourse in the Kingdom, than that they should stultify themselves by passing fancy legislation. He must say that the noble Viscount who had moved the second reading of the Bill (Viscount Enfield) had shown an amount of ignorance on the subject that would lead one to believe that he had not attended a single race meeting since his father took such an important part in racing. The noble Viscount wished them to believe that the Jockey Club was so effete that they were in utter ignorance of their own duties. He could tell the noble Viscount, though he perhaps could not agree with him, that the amount of work the Jockey Club did in its own quiet way was very considerable, and that it was such a power in England that when its decisions were given they were never brought into disrepute. The noble and learned Earl on the Woolsack (Earl Cairns), in the high position he held in the Legal Profession, would be exceedingly glad if all the decisions given by him on the Bench, of which he was so great an ornament, were received by the general public with equal approval. If they wished to strengthen a body which was upheld by the public, they would not seek to legislate in Parliament for that which the Jockey Club could do unaided.

House in Committee accordingly.

Clause 1 (Definitions) *agreed to*.

Clause 2 (Horse-races unlawful within 10 miles of London unless licensed) *agreed to*.

Clause 3 (Power of justices to license at Michaelmas Quarter Sessions).

THE DUKE OF RICHMOND AND GORDON desired to say a few words with respect to the principle of an Amendment which he would place upon the Paper to this clause. He might, however, say that the noble Earl (Earl Manvers) who had first addressed them seemed to have taken a very strange view of the stage of the Bill at which they had now arrived, and had given their Lordships a number of details with respect to the inconvenience which he had experienced in railway travelling, which it was by no means necessary now to enter into. Their Lordships had on a previous occasion decided that race meetings should not take place within 10 miles of Charing Cross without being licensed by the magistrates in Quarter Sessions assembled. Although he had opposed the Bill, he accepted the principle which had been laid down upon the second reading—namely, that all race meetings which took place within 10 miles of Charing Cross must be licensed by the magistrates. He hoped he need hardly say that, although he had opposed the second reading, he did not sympathize with gate-money meetings. He believed them to be very injurious to racing, and he believed no one would wish to uphold, or in any way encourage, such meetings. But he also believed that in introducing this Bill, and bringing forward what he considered to be a remedy against the evils of these gate-money meetings, the noble Viscount (Viscount Enfield) had included within the provisions of the Bill other race meetings which might be of a totally different character to the gate meetings which he sought to suppress. The principle of the Bill, however, having been conceded that these meetings must be licensed by the magistrates in Quarter Sessions, he was placed in this great difficulty—that the noble Viscount, in moving the second reading of the Bill, did not vouchsafe to explain its provisions. The noble Viscount confined his remarks very much to abuse of the Jockey Club, and entirely omitted

to tell their Lordships how the provisions of the Bill would carry out the objects which he had in view, or the reasons why several of the clauses contained in the measure had been introduced. The effect of the 3rd clause was that the licences should be granted at any Michaelmas Quarter Sessions of the Peace. He wanted to know why the licences should only be granted at the Michaelmas Quarter Sessions? He thought that if that were done, it would cause very considerable annoyance to persons who were desirous of holding a legitimate race meeting, and not a gate meeting, within 10 miles of Charing Cross. If any persons desired to have a race meeting they would have to wait until the Michaelmas Quarter Sessions, and then the licence would not have effect until the following Lady Day. He certainly could not understand the reason of this. He could not see any reason why the licence should not take effect immediately after it was granted. If the noble Viscount had asked for a fortnight or a month's notice before the application, he could have understood it; but to say that after a licence had been granted to the persons applying they should not be allowed to hold a meeting until six months after, he could not understand. It might be that race meetings might be got up which were quite of another character to gate meetings—say, for instance, by the Household Brigade, which was quartered in London. If the Household Brigade wanted to hold a race meeting amongst themselves, where no liquor would be consumed except what they took down in their hampers, they must make up their minds—according to the Bill of the noble Viscount—to do so before the Michaelmas Quarter Sessions, and then they could not hold it until no less a period than six months had expired. He maintained that that was putting an excessive and undesirable restraint. He did not object to licences being granted by the magistrates; but he wished to point out that magistrates were magistrates at all the Quarter Sessions which were held during the year. His proposal, therefore, was to strike out the word "Michaelmas," which would have the effect of giving power to the magistrates to grant licences at any of the Quarter Sessions held throughout the year; and he should certainly take the sense of the

Committee upon it if the noble Viscount could not see his way to accept it.

Amendment *moved*, to leave out ("Michaelmas.")—(*The Lord President.*)

VISCOUNT ENFIELD was sorry he could not agree to the Amendment which had been moved by the noble Duke. This Bill was not intended to put down absolutely any race meetings which might take place within 10 miles of Charing Cross, supposing licences were granted by the magistrates; but it was desired by the promoters of the measure to give the public some assurance that there would be good order, sobriety, and regularity at those meetings. The Michaelmas Quarter Sessions had been named in order to make the Bill similar in the time of granting licences to the Act regulating the granting of licences for music and dancing, and two month's notice was required of the intention to apply for a licence, in order to give the public an opportunity of making objection, either by themselves or by counsel. Clause 4 went together with Clause 3, and as Middlesex and Surrey were the two counties within 10 miles of Charing Cross where race meetings took place—for he believed there were no race meetings in Essex—he thought it right that the licensing of music, dancing, and racing, should all be placed on the same footing within the Metropolitan area. Under these circumstances, he must ask their Lordships to adhere to the present wording of the clause.

THE DUKE OF RICHMOND AND GORDON thought the noble Viscount argued as if all race meetings were gate meetings. He objected to race meetings got up by the Household Brigade, and others in the same high category, being considered as gate meetings. Music and dancing licences were granted, too, for a whole year, and he thought the noble Viscount must have forgotten that fact. The noble Viscount said there were no race meetings in Essex. That was very likely at present. If publicity was what the noble Viscount desired, it could be obtained by other means than those which the noble Viscount had provided. The noble Viscount would also do well, when they came to it, to explain what he meant by Clause 4.

THE LORD CHANCELLOR said, he assumed a somewhat different position

to that of his noble Friend who had just spoken. He thought his noble Friend was opposed to the Bill altogether; but, on the contrary, it seemed to him (the Lord Chancellor) that it was a Bill which deserved support, and he had voted for its second reading. But he was bound to say that he thought his noble Friend who had charge of the Bill (Viscount Enfield) would act wisely in re-considering this question as to the days for licensing. Those who prepared the Bill appeared to have been led away by the Statute of *Geo. II.* with regard to licences for music and dancing. In the cases of licences for music and dancing, it was right that the public should have a proper notice—a fortnight's notice—in order to be able to appear before the Quarter Sessions to oppose them. He could not help thinking that the noble Viscount had mistaken the sense of the Statute of *Geo. II.* The Act of *Geo. II.* required no notice whatever. The notice was simply a regulation made by the Quarter Sessions; and it would be perfectly competent for the Court of Quarter Sessions, even if the word proposed to be omitted was left out, to make a rule as to a certain amount of notice being given, so that any member of the public who wished to oppose the granting of a licence might have full opportunity of doing so. Unlike halls for music and dancing, race meetings were not places of continuous amusement; and, therefore, the arguments applicable to the former had no force in reference to the latter. Provided proper notice was given and no march stolen on the public, why should a licence not be granted at Whitsuntide, for instance, as well as Michaelmas, and take effect immediately it was obtained? He hoped the noble Viscount would see the propriety of leaving the question of notice to the magistrates.

LORD ABERDARE said, the noble Viscount's only object was due publicity. If licences for race meetings were given at the time when the other licences for places of amusements were granted, they would have some security that a large amount of public attention would be directed to them. If, on the contrary, they were given at any Quarter Sessions, there would not be the same security for publicity. Some of the races at which the Bill was aimed were run several times in the course of the year.

If officers of the Household Brigade wished to hold race meetings, there would be nothing to prevent them taking out a licence from year to year, or if they had not a licence, and wished to hold a race meeting at once, there was nothing easier for them than to go beyond the ten-mile limit.

THE EARL OF HARDWICKE pointed out that the most valuable stakes were those in which the entries were made some two years before the race, and the present Bill would make the period of the future race dependent upon the will and pleasure of the magistrates. If the Bill were to become law, he should prefer that licences were to be granted at one fixed Quarter Sessions, instead of at any of the four held throughout the year. If two right rev. Prelates, or a couple of Judges, now in favour of this Bill, were to ride along Rotten Row, and test the respective qualities of their horses in a gallop, they might unexpectedly find themselves within its provisions and subject to its penalties.

EARL GRANVILLE opposed the Amendment. The Bill had been passed by the House of Commons, and been approved of by both the Home Secretary and the Lord Chancellor. That being the case, it was not desirable to risk the passage of the measure when it went back to the other House by the introduction of any material Amendments, especially as it was one which was in private hands.

THE MARQUESS OF HUNTLY said, if they once admitted the principle of magisterial licence, they would have to extend it to all manner of amusements in the neighbourhood of the Metropolis, to the Oxford and Cambridge boat-race, the Eton and Harrow cricket matches, and similar amusements, for they all tended to collect crowds, and were, no doubt, considered nuisances by some people.

On Question, That the word proposed to be left out stand part of the Clause? Their Lordships divided:—Contents 88; Not-Contents 57: Majority 31.

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Resolved in the Negative.

Clause agreed to.

Remaining clauses *agreed to*, without Amendment.

Bill *reported* without Amendment; and to be read 3^d on *Friday* next.

VALUATION OF LANDS (SCOTLAND) AMENDMENT BILL.—(No. 83.)

(*The Earl of Galloway.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE EARL OF AIRLIE begged to ask the noble Earl who had charge of this measure, whether he had any objection to setting forth the objects of the Bill? Such a proceeding was the more necessary, because no statement of its objects was made on the second reading.

THE EARL OF GALLOWAY said, he had no objection to comply with the desire of the noble Earl—especially as some serious Amendments had been placed upon the Paper. The object of the Bill was to introduce certain amendments into the law relating to the valuation of lands and heritages in Scotland. As many of their Lordships were aware, there were various bodies in Scotland known as Commissioners of Supply. Now, it had been found extremely inconvenient that so large a number of persons as the general body of Commissioners of Supply for each county should be called upon to sit for the purpose of hearing appeal cases; and the principal object of that Bill was that the Commissioners of Supply of each county should themselves form out of their own body a Committee—to be called the County Valuation Committee—to whom should be delegated the same powers as the whole body at present had. That was the real object of the measure; but it also provided for what were called “*misnomers*,” and provided an easy way

of rectifying such misnomers. It further provided that, in case any person should feel aggrieved at his assessment, when made by persons who were not officers of Inland Revenue, and an appeal from their judgment might be brought before the Commissioners of Supply, there should be a further power of appeal to any two Judges of the Court of Session. Where the assessor was an officer of the Inland Revenue no appeal was allowed. The remaining part of the Bill was merely formal. It gave power to Commissioners of Supply by a majority of two-thirds of their number at any time to alter the place of meeting. These were the provisions of the measure. He hoped that the explanation he had given would satisfy his noble Friend, and that they would now proceed with the Committee upon the Bill.

THE EARL OF CAMPERDOWN said, the noble Earl who introduced this Bill had explained that its main provision was that, inasmuch as the whole body of Commissioners of Supply amounted to an inconvenient number, they should elect among themselves a smaller number. That did not seem a very logical proceeding, neither did he see any reason why all the owners of land in the counties should be compelled, whether they willed it or not, to submit a valuation of their land to a Committee simply of the Commissioners of Supply. For his own part, he should think that that was a question of which the whole body of Commissioners themselves were the best judges.

THE EARL OF GALLOWAY said, that if the Commissioners chose to sit as a whole body to the number of 20 for the purpose of investigation, instead of appointing from their body a smaller Committee for the purpose of hearing any appeal, there was power to do so.

THE EARL OF CAMPERDOWN said, that he should prefer to see the introduction of the word “*shall*,” so as to make it compulsory on the Commissioners, in the first place, to investigate the case; but he had no wish to prevent the progress of the Bill in Committee.

House in Committee accordingly.

Clauses 1 to 7, inclusive, *agreed to*.

Clause 8 (Evidence to be taken if required).

LORD BALFOUR of BURLEIGH said, he had given Notice of his inten-

tion to move the omission of two clauses in this Bill—namely, the 8th and 9th; and, inasmuch as the question involved in both clauses was the same, it would be the most convenient course to move the rejection of both at the same time. Many of their Lordships were probably aware that, by an Act which was passed in the 17th and 18th years of the Queen, and which was amended by an Act passed three years afterwards, power was given to the Commissioners of Supply in burghs and counties to appoint such assessors and valuers as might be thought necessary; and a power was given to appeal from their decision to the Commissioners of Supply, and from the Commissioners of Supply to a Judge of the Court of Session. Now, the object of the 7th clause of the present Bill was to extend the right of appeal to all cases in which the assessors were not officers of the Inland Revenue. It was also provided that the appeal should be to two Judges, which he did not think was necessary; but he did not wish to raise any unnecessary objection to a measure which he thought would, in the main, prove a very useful one; and he did not think it mattered much whether the appeal went to one Judge or two. Clause 8 provided that if either party to any appeal or complaint to the Commissioners of Supply of any county, or the magistrates of any burgh, required at the hearing of any appeal or complaint that the evidence should be taken down in writing, it should be so taken. That was not the course at present pursued in all cases. He was not a sufficient lawyer to say whether the word “writing” would include “shorthand;” but, if not, he conceived that to take it all down in ordinary writing would be a very cumbrous mode of proceeding in these days of rapid progress, and he thought it would be incurring a very unnecessary expense. He had yet to learn that any dissatisfaction had been expressed with the present system. He thought, moreover, that the 9th clause, which required that in stating any case the grounds of complaint and the replies should be set forth, in addition to the particulars required by the Bill, very objectionable. It made appeals much more cumbrous and expensive. It would make more work for the lawyers; but he had great diffidence

in using that argument in their Lordship’s House; but at any rate he did not think they should go out of their way to make more work than was absolutely necessary for members of that Profession. He thought, also, that if this new method of stating cases for appeal, as provided by Clause 9, was adopted, the duties of the Commissioners of Supply would become very onerous, and there would be a difficulty in getting gentlemen to sit on the appeals. It must be remembered that the Commissioners of Supply were not a body of salaried officers, but a body of private gentlemen unpaid, and it would be impossible to induce them to spend a large portion of their time in hearing the long discussions which would be likely to arise under these clauses. It would probably be replied that it was only necessary to take the evidence in writing in certain cases; but he ventured to think, if they read Clause 9 carefully, it would be found to be necessary to take evidence in writing in every case—and for the reason that if they went to the Court of Session the case stated must contain the evidence, and if none was taken there could be no case stated. In his mind, to require the evidence to be taken in writing was virtually pre-judging the case; because, if before the case was begun to be heard one party requested that the evidence should be taken down in writing, it showed that he meant to be dissatisfied with the finding of the Commissioners. Again, he did not think that there should be an appeal given in the case where the assessor was not an Inland Revenue officer, and not in cases where he was; and he might point out that in no less than 10 counties in Scotland the assessors were not officers of the Inland Revenue; neither were they in 45 burghs, including Ayr, Edinburgh, Glasgow, Greenock, Perth, Galashiels, Arbroath, and Stirling—these burghs included some of the largest and most populous towns in Scotland. He had, he thought, shown their Lordships that these clauses were not only unnecessary, but objectionable; but there was a further point—namely, the history of these clauses, and the manner in which they came to be inserted in the Bill. The noble Earl might possibly tell them that several counties and burghs had petitioned in favour of the Bill. So they had; but when they did so these

Lord Balfour of Burleigh

clauses were not in the Bill. These clauses, in fact, had not yet been discussed. The Bill came up to their Lordships as having passed all its stages in "another place;" but, as a matter of fact, they were never discussed at all. These two clauses were only inserted in the last stage of the progress of the Bill, and he ventured to say that very few conveners of counties or magistrates of burghs knew of their existence; and, most certainly, no opportunity had been given to them to consider the nature of the clauses, or how they would affect the valuation of lands. He, therefore, begged to move that Clause 8 be omitted from the Bill.

THE EARL OF GALLOWAY said, he must confess he was not prepared to hear such an elaborate argument from his noble Friend. He had not the slightest objection to take Clauses 8 and 9 together; but he was afraid that he could not accept the proposition to strike out Clause 8. The noble Lord objected to there being any distinction between the position of the Inland Revenue officers and other assessors; but he might remind his noble Friend that in the case of the 10 counties referred to, no such objection came from nine, and none from the burghs. The Bill had been introduced before Whitsuntide, and was read a second time three weeks ago, and before that time—indeed, before the Bill had left the other House of Parliament—these two clauses had been put in, and he had put off the Committee till now that there might be ample time for anyone to object to them; and yet only one county, that of Ayr, had objected. As a matter of fact, the two clauses were put in at the instigation of the Lord Advocate, who considered that inasmuch as there were many large manufacturers interested in this question of land valuation, and who might conceive that the judgment of the assessors was wrong, though they would probably find themselves mistaken, they would have a right to pay for their own protection, and it would be impossible for the Court of Appeal to judge of the merits of the case unless it had the written evidence thus before it. He thought it would be for the benefit of all classes that these two clauses should be retained. Then, again, with regard to the Commissioners of Supply, as he had already told their Lordships, the object of the

Bill was to reduce the number of the Commissioners to a Committee; and he did not see any reason to doubt that such a proceeding would be beneficial. On these grounds, he opposed the omission of these two clauses.

On Question? Amendment *negatived*.

Clause *agreed to*.

Clause 9 (Case to set forth grounds of appeal, &c.) *agreed to*.

Clause 10 (Place of meeting of Commissioners of Supply may be changed).

THE EARL OF SELKIRK said, there were several objections to this clause. He thought that if it was expedient to do this in any particular case, it could be best effected by a private local Bill, and not by this general measure.

LORD BLANTYRE supported the clause.

THE EARL OF GALLOWAY said, he did not feel very strongly upon the point, as he was not the original promoter of the Bill. He would, however, remind their Lordships that by the clause in question power was put into the hands of the Commissioners themselves, and that it was only by their strongly-expressed wish, and a vote of two-thirds of their number present, that their place of meeting could be removed. He had not had any communication on the subject from the promoters of the Bill; but if there was any strongly expressed wish upon the subject, he would withdraw the clause.

THE EARL OF SELKIRK objected to the clause. In the first place, the place of meeting might be shifted at the mere caprice of the Commissioners; and, in the second place, it was well known that in some counties these meetings of the Commissioners were held, if not simultaneously, in rapid succession—in fact, he had known five meetings to be held in five days—and the greatest confusion would take place, unless there was a certainty as to the place in which the meetings were to be held. These meetings of Supply were somewhat analogous to the Quarter Sessions of England, and they were generally held at the county towns; and very great inconvenience would be caused if the venue of the meeting were shifted to another town 10 miles distant. In many cases, also, they were held subject to private local

Acts, and no great good could be gained by shifting, unless it was from an inconvenient place to a county town. In other cases it might be inconvenient to change them from such a place as Lanark to the great metropolis of the West of Scotland.

Clause *struck out* accordingly.

Remaining Clauses *agreed to*.

The Report thereof to be received on *Thursday* next.

OMNIBUS REGULATION BILL.—(No. 41.)
(*The Earl of Redesdale*.)

COMMITTEE (ON RE-COMMITMENT).

Order of the Day for the House to be put into Committee (on re-commitment), read.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, in deference to the wish of the Government, he had taken out of the Bill everything relating to the Metropolis, which was to be provided for by another Bill introduced on this subject by his noble Friend (Earl Beauchamp). He had also taken out of the Bill those parts open to objection on the ground that they interfered with local Acts. It would also be provided that the Bill would come into operation on the 1st of January next.

House in Committee accordingly.

Bill *reported* without Amendment; Amendments made; and Bill to be read 3^d on *Friday* next; and to be *printed* as amended. (No. 117.)

CYPRUS — ADMINISTRATION OF JUSTICE—PUNISHMENT OF PRIESTS.

OBSERVATIONS.

LORD STANLEY OF ALDERLEY said, there had been several statements in the public prints that two priests imprisoned in Cyprus had been deprived of their beards. After reading the Blue Book just issued respecting the government of Cyprus, he should be inclined to disbelieve those statements; but, on the other hand, some time had elapsed since they were made, and they had not yet been contradicted on behalf of Her Majesty's Government. But even should those statements now receive an unqualified contradiction, it would not be a waste of the time of the House to place before it those considerations

which should prevent the possibility of the occurrence which had been complained of, or of the introduction of English prison regulations into Cyprus. The case of these priests was a very painful one; or, as that word had recently been misused, and might be misleading—it was one of grievous hardship. If an individual were to deprive a priest of his beard, it would be a serious outrage, and it would prevent his officiating until it had grown again. At the time when the Bulgarians were intriguing against the Prelates of the Greek race, it was reported that one of these was got rid of by advantage being taken of his sleep to deprive him of his beard, after which, being unable to show himself in public in his diocese, he had to escape from it and go home. But when priests were deprived of their beards, as in this case, by the act of the civil authorities, it became a usurpation of ecclesiastical rights reserved to the Patriarchs. This was probably done by some subordinate official, in ignorance that its consequence was to degrade the priest, and to incapacitate him from fulfilling his holy office. This could not be done under the Turkish law, which, from the last Blue Book, we appeared to be still administering. But the noble Marquess could not plead ignorance, for this matter was brought before him when he was at the India Office, and a Jacobite Patriarch, who was going to India, came to see him and showed him his berat or charter, which gave him the right in Turkey to imprison and shave recalcitrant priests. This must have happened about the time that the Public Worship Act was passing; and the noble Marquess would, perhaps, recollect it, when he (Lord Stanley of Alderley) reminded him that the interpreter of the Patriarch made some observation or calculation as to the number of barbers that would have to be kept at Lambeth Palace, if the most rev. Primate the Archbishop of Canterbury had the same powers over recalcitrant priests as were possessed by his brothers of the Oriental Churches. It did not appear that this form of degradation of priests was ever followed in the Western Church; but, in the year 767, the Patriarch Constantine of Constantinople was deposed, degraded, and executed, and he was degraded by shaving his head, beard, and eye-brows. He (Lord Stanley of Alderley) must now say a few words for the

The Earl of Selkirk

laymen. Lay Christians did not wear beards, unless they were old men, or were in the Ottoman Service; but if they shaved the moustaches of the lay Christians, it would be putting an odious imputation on them. The beards of the Mussulmans must not be meddled with. There was an anecdote which well set forth the feeling on this subject; but as he did not wish to treat this subject otherwise than very seriously, he must refer their Lordships for it to the pages of Ibn Batoutah, the Arab Herodotus. Some time ago, but he did not exactly know when or where, in England, some playactors were sentenced by the magistrates to a short imprisonment, and were shaved; and as that interfered with their means of gaining their livelihood it caused great agitation, for the law did not allow of any greater hardship being inflicted on a prisoner than that which was contained in the actual sentence. English prison regulations were not in force in India; and, in the prisons in India, care was taken that the food of the Brahmin prisoners was cooked by cooks able to prepare their food. He thought, therefore, that an apology ought to be made to these priests for what they had suffered.

THE MARQUESS OF SALISBURY: Those priests were deprived of their beards, so far as I can understand the matter, not in consequence of any firman or any decree of any Eastern or Western Council, but in accordance with the English prison regulations which have been introduced by Ordinance into the Island. I am compelled, however, to admit that there was an irregularity in the case, because, by the regulations of the prison, as they have been laid down, the hair ought only to have been removed in the case of a considerable period of imprisonment; and in the case of these particular priests, who were imprisoned for short periods, and for offences comparatively trivial, there was no justification, under the prison regulations, for depriving them of their beards. It was a misapprehension on the part of the Assistant Commissioner, of which notice had been taken, and in regard to which the High Commissioner, Colonel Greaves, had taken steps to prevent any such error occurring again. But I am unable to agree with the noble Lord in thinking that prisoners should not be subjected to personal indignities. It is a

personal indignity to put a man into prison at all, and the best way to avoid such an indignity is to act so as not to get put into prison. The object of depriving prisoners of their hair, however, is of a cleanly and sanitary character. I am wholly unable to determine by personal knowledge whether the Cypriotes require such a precaution or not; but I do not think that we shall be able to give any instructions of the absolute character which the noble Lord requires. No doubt, if there is any strong prejudice or popular feeling on the question, as I see has been represented in the newspapers, it will be the duty of the local authorities to exercise due care in the modification of any regulations laid down; and I have asked Colonel Biddulph, who is about to be High Commissioner in the Island, to make inquiries as to whether this particular punishment is suited to the circumstances of the Island or not. But I am afraid that some of the opposition has arisen from a claim on the part of the Greek clergy to which it is impossible for us to accede—a claim, that is, that the jurisdiction over them should be reserved to their own ecclesiastical superiors, and should not be exercised by the civil power. That is contrary to our fundamental notions of justice in this country, and it is impossible that we should accept such a pretension. I agree, however, that in all these matters it is better not to lay down an absolute rule, and that the regulations ought to be suited to the habits and feelings of the inhabitants of the Island.

LORD STANLEY OF ALDERLEY said, in reply, that he was satisfied with the answer of the noble Marquess; but, owing to the lateness of the hour, he had omitted to say that whilst the English prison regulations were framed with regard to cleanliness, they were not required in this case, for whatever preconceived opinions there might be, he had no hesitation in saying that among the classes that usually filled the prisons there was much more cleanliness in the Ottoman Empire than in any country of Europe; and he must disagree with the opinion of the noble Marquess that the being in prison was a personal indignity such as those he had complained of.

House adjourned at a quarter past Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 17th June, 1879.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 16] reported.

PUBLIC BILLS—Second Reading—Linen and Hempen Manufactures (Ireland)* [202].

Committee—Army Discipline and Regulation [88]—R.F.

Third Reading—Bills of Sale (Ireland)* [45], and passed.

The House met at Two of the clock.

QUESTIONS.

NEWCASTLE—THE WEAVERS TOWER.
QUESTION.

MR. PERCY WYNDHAM asked the Secretary to the Treasury, Whether in the matter of the threatened destruction of the Weavers Tower at Newcastle, the Lords of the Treasury had stated their opinion that its destruction ought not to take place except upon the decision of a clear majority of the whole number of the Council; whether he was aware that its destruction had been carried by a majority of one of the whole number of the Council; and, whether under the circumstances the Lords of the Treasury would not again interfere?

SIR HENRY SELWIN-IBBETSON: Sir, the Lords of the Treasury did express an opinion that the destruction of the building should not occur, except upon the decision of a clear majority of the whole number of the Town Council. I am informed by the Town Clerk that the Council when fully constituted consists of 64 members. When the discussion was held about the Weavers Tower there were two vacancies, reducing the numbers to 62. Of these, 48 were present at the meeting, 32 voted for the destruction, 6 against, and 10 declined to vote. The Treasury has no power to interfere further in the matter, as it has already signified its assent to the scheme for the free library, subject to a recommendation that the question of preserving the tower should be decided only by a clear majority of the Council. As only six members out of 62 were found to vote for the preservation, the division must be regarded as a decisive expression of local opinion, and I believe I may

say that the leader of the former opposition to the proposal was not prepared to object to the decision come to at the last meeting.

PEACE PRESERVATION (IRELAND)
ACT, 1875—COUNTY OF DONEGAL.

QUESTIONS.

THE MARQUESS OF HAMILTON asked the Chief Secretary for Ireland, Whether, having regard to the peaceable state of the county of Donegal, the Government have any intention of withdrawing the extra Police Force which has been stationed in Fannet consequent upon the murder of the late Lord Leitrim?

MR. J. LOWTHER, in reply, said, he must remind the noble Lord of what really took place in Donegal. There was a murder, to which it was not necessary to refer further than to call attention to the fact that three persons, including the late Lord Leitrim, were deliberately murdered under circumstances which could not leave any reasonable doubt in the mind of any candid observer that the facts connected with it were matters of notoriety in the county. Notwithstanding the offer of a very substantial, he might say, in fact, almost unprecedented, reward, no evidence whatever was forthcoming. Certain persons against whom there was *prima facie* evidence were arrested on suspicion; but the evidence was not sufficient to justify the Government in putting them on their trial, and when released they were received with something in the nature of a popular ovation. Under these circumstances, it appeared to him that the neighbourhood was very justly charged with the cost of maintaining the police force which was considered necessary for the security of the district. It also appeared that persons who had no right whatever upon certain lands had, contrary to law, returned to those lands, which it seemed they had formerly occupied, and that otherwise resistance had been made to the execution of the law. The Government did not, therefore, think they would be justified in reducing the police force of the district. With regard to the contribution of the inhabitants towards the cost of maintaining the police, the Government did not intend to enforce payment of the tax now becoming due, provided any further

attempt to resist the authorities was abandoned. If peace was restored in the district, no further contribution would be levied; but if any further attempt should be made to resist the law, the tax would be enforced.

MR. SULLIVAN: Might I be allowed to ask the right hon. Gentleman, when he says that persons re-entered on the lands contrary to law, Whether there is any other case except that of a respected Presbyterian lady, the Widow Algae, and if so, what are the other cases; and, also, I wish to ask, why the persons against whom there was not sufficient evidence were not brought to trial; and, furthermore, when the innocent men who so long suffered in prison were released, if any recompense were made to them?

MR. PARNELL: Before the right hon. Gentleman answers the Question, I would ask him, Whether any contribution has as yet been levied or collected for the maintenance of this extra police?

MR. J. LOWTHER: A contribution has been levied, and partially collected. As to the Question of the hon. and learned Member for Louth, I cannot, of course, without notice, give details; but the information we have received is to the effect that there have been several such cases. As to the reasons why those persons to whom he refers were not brought to trial, I stated that there was sufficient *prima facie* evidence to justify their committal; but we could go no further. Conviction is a very different matter.

MR. SULLIVAN: Then may I understand that these men have been discharged, there being no case to warrant their being put on their trial; and, if so, are they not innocent persons in the eyes of the law?

MR. J. LOWTHER: Sir, I must really refer the hon. and learned Gentleman to the Law Officers of the Crown, if he wishes to know precisely the law on the subject; but what has taken place is this—those persons were committed for trial; they were not put on trial, but they were not discharged.

SOUTH AFRICA—THE ZULU WAR— FLOGGING.—QUESTIONS.

MR. O'DONNELL asked the Secretary of State for War, Whether his at-

tention has been directed to the statement of the Special Correspondent of the "Cape Times" published in the "Echo" of June the 12th, who writes from the Lower Tugela that—

"There has been a good deal of flogging in the camp and on the march since the reinforcements were landed in Natal. Three of the Buffs were tied up on Tuesday morning, and the 88th, I hear, have had quite a festival of cats on the banks of the Tugela."

COLONEL STANLEY, in reply, said, that beyond the statements which had appeared in the newspapers, to which the hon. Member referred, he had received no information on the subject. He would, however, direct inquiries to be made with reference to it.

MR. CALLAN asked, if information in regard to such allegations would not be sent as a matter of course to the Horse Guards, with directions to make inquiry?

COLONEL STANLEY: I can only repeat that I have no information on the matter.

REPRODUCTIVE LOANS FUND (IRELAND) ACT—LOANS TO IRISH FISHERIES.—QUESTIONS.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, When the loans recommended, under the Irish Reproductive Loans Fund Act, by the Inspectors of Irish Fisheries, will be made in the district of Mulranny, County Mayo; and, whether he can give an assurance that loans of this description will be issued by the Board of Works without unnecessary delay, in all cases where the required guarantees have been given?

MR. J. LOWTHER: Sir, as soon as the legal formalities have been gone through these loans will be made; but with regard to the particular case of Mulranny in the County Mayo, the Report of the Inspectors was made on the 6th of this month, and the matter is in course of being arranged.

MR. O'CONNOR POWER: I do not think the right hon. Gentleman answers the latter part of the Question, and I may remark his answer gives no light as to the probable date when the loans may be expected. The Board of Works, no doubt, will do so, when these formalities have been complied with; but I hope the right hon. Gentleman will say at what time.

MR. J. LOWTHER: What I stated was, that in the case of the particular loans referred to, the Report of the Inspectors approving of them was delivered on the 6th of the month. Therefore, in this case, no unnecessary delay has occurred; and I hope in a very few days the matter will be arranged. As regards the general question of unnecessary delay, I am assured it is the intention of the Board to avoid any delay, necessary or unnecessary, as soon as the formalities have been complied with.

ARMY—RELATIVES OF MARRIED SOLDIERS PENSIONS.

QUESTION.

COLONEL COLTHURST asked the Secretary of State for War, Whether he will consider the desirability of allowing a pension to the widows and orphans of soldiers married with leave, and who have re-engaged after completion of twelve years' service?

COLONEL STANLEY: If the hon. and gallant Gentleman means to ask whether I have prepared any scheme for allowing the pensions to which he refers, I cannot say that that is the case. Of course, the question of the desirableness of allowing such pensions has often been considered; but they have never been granted generally, and I fear that the enormous cost and difficulty of their payment would prove a very great bar to the adoption of any such scheme.

HYPOTHEC ABOLITION (SCOTLAND) BILL.—QUESTION.

MR. VANS AGNEW asked the noble Lord the Member for Haddingtonshire, Whether, considering that the Members representing Scottish constituencies have in this Session voted in favour of the Second Reading of the Hypothec Abolition (Scotland) Bill in the proportion of forty-seven to two, he will now withdraw his notice, which blocks that Bill, and prevents its being considered on Report, as amended in Committee, after half-past Twelve o'clock?

LORD ELCHO, in reply, said, he intended to allow his Notice of opposition to remain upon the Paper, in order to give Her Majesty's Government an opportunity of re-considering their view with regard to it. This was the more necessary as in the Division on Hypothec

nine Members of the Government had voted with him for its maintenance, and only four had voted for its abolition. And, subsequently, the Government had resisted a Motion for the abolition of the Law of Distress in England and Ireland, which was a less "mild and limited" law than that of Hypothec; and he found that 26 Conservative Members who had voted for the abolition of hypothec voted for the maintenance of distress.

MR. VANS AGNEW said, that, in those circumstances, he should on Thursday next ask Mr. Chancellor of Exchequer, Whether, considering that the Lord Advocate had supported the measure, and that hon. Members representing Scottish constituencies had in this Session voted in favour of the second reading in the proportion of forty-seven to two, he would undertake, on the part of the Government, to give facilities for the progress of the measure.

SOUTH AFRICA—THE ZULU WAR—PLUNDERING OF ZULU VILLAGES.

QUESTION.

MR. O'DONNELL asked the Secretary of State for the Colonies, Whether his attention has been called to the "Graphic" of this week, in which a number of the Native Contingent of the British Forces in South Africa are depicted as plundering a Zulu village; whether it is true that several hundreds of Native villages have been plundered and destroyed since the rising of the Galekas down to the present time, and that the practice is still continued; whether his attention has been directed to the remarks of Colonel Bellairs to General Sir Arthur Conynghame (South African Correspondence C. 2079 of 1878) on the results to the non-combatant population of the destruction of villages and the plundering of the village stores of provisions—

"I desire to point out that the condition of the Gaika women and children has become most deplorable. . . . Their habitations burnt, their meal-pits destroyed, their cattle captured. . . . Wherever our patrols go they seem to meet with these helpless creatures;"

whether his attention has been called to the statements in the South African correspondence of the "Standard" and "Daily News" of the 16th instant,

that great indignation has been caused by the imprisonment of the Zulu King's messengers, and that the Basuto insurgents are being driven out of their caves by smoke and dynamite; and, whether, during or since the year 1878, besides asking for information, he has sent any specific instructions to the British authorities in South Africa on the subject of burning and plundering Native villages, smoking out refugee insurgents, and similar alleged practices?

SIR MICHAEL HICKS-BEACH: Sir, I have not seen *The Graphic*; but, whatever the merits of the illustrations to which the hon. Member refers may be, I do not think an illustration in a newspaper is quite of sufficient importance to base an opinion upon as to what is occurring in South Africa. I do not know that it is true that several hundreds of Native villages have been plundered and destroyed since the rising of the Gaikas down to the present time, nor do I believe there is any practice of the kind going on now. No doubt, in the war, many of these villages may have been destroyed as a necessary part of military operations; but I do not believe that in any case they have been destroyed where it has not been necessary for that reason to do so. The quotation the hon. Member has made from the remarks of Colonel Bellairs, I think, to a great extent, proves this; and it also proves the humanity with which these operations, as far as possible, have been conducted. I will, with the permission of the House, read the whole quotation, because the hon. Member has omitted some parts from his Question, which show that the condition of these women and children is due to other causes besides the destruction of villages, and that they were humanely treated afterwards. The full quotation, which refers to events that occurred in 1877 and the beginning of 1878, is this—

"I desire to point out that the condition of the Gaika women and children has become most deplorable. Left by the rebels to shift for themselves, their habitations burnt, their meal-pits destroyed, their cattle captured, and with a drought prevailing over the land, they are reported to me during the past fortnight as frequently passing our outposts in bands of 50 or 60 strong, pathetically replying, when questioned—'We have no food, and are going in search of work.' Wherever our patrols go, they seem to meet with these helpless creatures."

Then Colonel Bellairs goes on to say—"Humanity requires that they should be immediately cared for." In his work, Sir Arthur Cunynghame says—"I immediately placed this humane suggestion before the Government;" and I have information from South Africa to the effect that the result of this suggestion was that the Colonial Government spent thousands of pounds in succouring these unfortunate women and children. I have seen the statements in the South African correspondence of *The Standard* and *Daily News*; but I have no information of my own with regard to them. As far as I am able to judge from the telegram, the purport of which I read to the House the other day in reply to the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), I do not think the last messengers from Cetewayo were detained, far less imprisoned. It appears they were sent back by Lord Chelmsford with a message to Cetewayo. As to the mode in which the Basuto insurgents are dealt with, I know nothing; but, however painful it may be to drive the insurgents out of caves and mountain fastnesses, where they had not exactly "taken refuge," but where they were maintaining themselves in rebellion, and from whence it was found impossible to dislodge them—however painful it may be to drive them out by smoke, yet I will venture to say that that is a more humane process than driving them out by starvation. Even if these telegrams be true, at any rate, it would appear that the surrender of these insurgents was secured with very little loss of life, whatever operations may have taken place. As to the last part of the Question of the hon. Member, I really must say it seems to me to contain insinuations as to the action of the British authorities in South Africa which ought not to have been made; and I trust the House will deem me justified in declining to answer them.

MR. O'DONNELL gave Notice that on another day he would ask the right hon. Gentleman, Whether the phrase "left to shift for themselves" did not refer to a period when their male relatives had been driven away? He should also take an early opportunity of stating to the House, from the Blue Books, all the Native villages which had been destroyed in South Africa since 1877 down to the present time.

BOILER EXPLOSION AT STONE
CLOUGH.—QUESTION.

Mr. J. COWEN asked the Secretary of State for the Home Department, If he has had his attention called to the serious boiler explosion that occurred at Stone Clough, near Bolton, on the 15th instant, and if he will order an independent inquiry into the circumstances in accordance with the promise made during the recent discussion on Boiler Explosions?

Mr. ASSHETON CROSS, in reply, said, that a barrister had been ordered to attend, on behalf of the Home Office, the inquiry into the causes of the explosion referred to; but that he had given no promise to institute an independent inquiry with regard to it.

SOUTH AFRICA—THE ZULU WAR—
THE IRREGULARS.—QUESTION.

Mr. PARNELL asked the Secretary of State for the Colonies, Whether he has received information that, in addition to the Regular Troops and Native Contingent, considerable forces of Irregulars and Volunteers are employed in South Africa, recruited from the floating population of the Colonies and Diamond Fields; whether he has seen the statements in the last Mail News from South Africa that parties of these men, known as "Lonsdale's Horse," have taken to highway robbery in the neighbourhood of Durban; and, whether he is aware that Sir Arthur Conynghame, lately commanding in South Africa, has described these Volunteers as enlisting for the purpose of plundering, "fighting, not for Country, but cattle?"

SIR MICHAEL HICKS-BEACH: Sir, it is the case that considerable Forces of Irregulars and Volunteers are employed in South Africa, and they have done excellent service. I have not seen the statements in the last Mail News from South Africa quoted by the hon. Member; he has not stated where they are to be found. I have heard nothing at all confirming them; but if any members of "Lonsdale's Horse" had been guilty of highway robbery, which I cannot believe, they could, of course, be made amenable by the civil and military authorities; and I am sure that that efficient and gallant officer, Commandant Lonsdale himself, would be the first to take steps for the purpose. Sir Arthur Conynghame never, so far as I know,

described the Volunteers as enlisting for the purpose of plundering, "fighting, not for country, but cattle." He quotes, in his book, an opinion expressed by a speaker in South Africa to that effect; but he prefaces the quotation by saying that he had always had a high opinion of the Volunteers, and does not altogether agree with it.

Mr. PARNELL said, the statement was made by the correspondent of the *Eastern Province Herald* of Durban, who spoke of the Lonsdale Horse as a desperate set of roughs, who had committed open robbery in public, and defied everybody, including the police. On one night, after having received a month's pay, 20 of them were taken to the station for drunkenness, and three "run in" for theft.

PUBLIC BUSINESS.

NOTICE OF MOTION—STATE OF THE
COUNTRY—COMMERCIAL AND AGRICULTURAL
DISTRESS.—QUESTIONS.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I wish to make an appeal to the hon. Member for Birkenhead (Mr. Mac Iver), who has given Notice of his intention to call the attention of the House on Friday next to the condition both of commerce and of agriculture, and to move for a Royal Commission to inquire into the subject. The hon. Member for Mid-Lincolnshire (Mr. Chaplin) has also given Notice of a similar Resolution. I would ask the hon. Member for Birkenhead whether, in these circumstances, he has any objection to postponing the Motion of which he has given Notice, seeing, as I have already privately informed him, that the state of Public Business would render it more convenient that it should not be brought on during the present week?

Mr. MAC IVER felt that it was impossible that the very important questions which his Motion would raise could be properly discussed unless they could be brought on at a time convenient both to the House and the Government; and, therefore, he had much pleasure in withdrawing his Notice, on the understanding that he should propose to move, as an Amendment to the Motion of the hon. Member for Mid-Lincolnshire, that the inquiry he suggested should be extended to both commerce and agriculture.

MR. NEWDEGATE inquired, Whether Her Majesty's Government were prepared to give facilities to the hon. Member for Mid-Lincolnshire for bringing forward his Motion?

THE CHANCELLOR OF THE EXCHEQUER, having expressed his obligation to the hon. Member for Birkenhead for giving way, said, that while her Majesty's Government were anxious that the important subjects which the Motion of the hon. Member for Mid-Lincolnshire would raise should be fully discussed, he was unable at that moment to fix any time for bringing it on. If arranged in that way, there would be a Morning Sitting next Friday; but not on Friday, the 4th of July.

ORDER OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE. [Progress 10th June.]

Bill considered in Committee.

(In the Committee.)

Punishments.

Clause 44 (Scale of punishments by courts martial).

Amendment proposed, in page 19, line 27, to leave out the word "fifty," in order to insert the word "six."—(Mr. Hopwood.)

Question proposed, "That the word 'fifty' stand part of the Clause."

MR. HOPWOOD said, he was not going to detain the Committee at any length; but it was fitting that the position of matters, when the Committee last parted from the consideration of his Amendment, should be recalled. The Amendment was to insert the word "six," instead of "fifty," as the number of lashes to be inflicted in certain cases. The object of his Amendment might appear, as was suggested by the Secretary of State for War, inconsistent with the later Amendments standing in his name; but he felt sure that the right hon. and gallant Gentleman would know, from his own experience, how necessary it was to try every possible means and suggestion when anything was to be attained. He

had only suggested the word "six," because it was admitted on all hands that the instrument of torture with which this punishment was inflicted caused nine stripes or weals at each blow; and, therefore, he wished that the House would not submit any longer to the hypocrisy of allowing the number to appear in the Bill as 50 lashes, when, in fact, it was 450. Therefore, he suggested that as six times nine made 54, by adopting his Amendment the charge of hypocrisy would be done away with, and Her Majesty's Government would get into the bargain four additional lashes. He had urged, on a former occasion, some of his hon. and gallant Friends to stand up and say why, in their judgment, it was necessary that this punishment should be maintained for the government of the Army. He still persisted in his Amendment, because he found that the more he persisted the more progress was made inside and outside the House; and rumours had reached him that many hon. Members were changing their views as they saw how little could be said for the punishment except vague generalities. He had heard, also, that there were those who began to think that a smaller number of lashes than that named in the Bill might be introduced. All these were matters of very encouraging import to those who were fighting this battle against corporal punishment. They did not believe in it. If they thought its abolition would in any way impair the efficiency of the National Army, they would be ready to join with hon. and gallant Members on both sides of the House in maintaining it. But they did not think so, and, therefore, they had a right to set their opinion against those who did. Hon. and gallant Members would say—"We have professional experience;" to which he replied—"We, too, know something of the government of men, and have seen this punishment applied over and over again; it has fallen into disrepute with every man who has any idea of the art of governing his fellow-creatures, and we cannot conceive why an exception should be made with regard to the government of the Army." He supposed the right hon. and gallant Gentleman liked the punishment as little as anybody, but was pressed forward and urged into the position which he occupied with regard to it by the officialism which

existed. He believed this punishment to be founded upon the force of officialism which, whenever it took root, could only be removed as an agent in the government of men in the Military or Civil Departments of the State by constant threshing out in the House of Commons; and that not until people had heard enough of it, and had been cruelly undeceived, in spite of themselves. It was astonishing how, in public matters, the progress of a cause was furthered by repetition. It seemed that men would not listen until they were forced to do so; therefore, he concluded that a matter like the present would force itself by persistence upon the conviction of the Members of the House of Commons. Every day gave some fresh confirmation of the necessity of getting rid of the punishment of flogging in the Army. The other day there was the question of flogging on board ship; and now it was stated that the same unfortunate regiment had again suffered in the persons of several of its soldiers in this respect, and it was stated, he believed, that the 88th had undergone this punishment. The Secretary of State for War said, with regard to the last case, that he had heard nothing of it; but he (Mr. Hopwood) wished the right hon. and gallant Gentleman would tell the Committee whether it was not the duty of somebody to let him know, and to let the Commander-in-Chief know of every case of flogging which occurred; otherwise it would come to this—that persons invested with a little authority might inflict the punishment to too great an extent, and then even the General commanding in the field, and, perhaps, the authorities at home, might hear of it. He wished the right hon. and gallant Gentleman had gone a little further in his answer to the Question put that day by the hon. Member for Dungarvan (Mr. O'Donnell) with reference to the flogging at the Cape; the answer would have been more sufficient had he said that he “must hear and was determined that he would hear” of these cases of flogging. But no such answer had been given, and it was quite certain that the punishment was going on to a great extent. He should, therefore, stand by his Amendment, and trusted that the Committee would adopt it.

Mr. J. HOLMS rose with much pleasure to support the Amendment of the hon. and learned Member (Mr. Hopwood). He had never yet voted in any

Division on the general question of flogging, because he had not been able clearly to understand whether it was essentially necessary for the maintenance of order in the Army that this punishment should be retained in time of war. He had waited patiently to hear from the Secretary of State for War, or the Judge Advocate General, some reasons in favour of retaining this punishment; and he had come to the conclusion that the main argument in favour of its retention was that as it was impossible, when on the field against an enemy, to deal with men having committed certain crimes by imprisonment, it was necessary to flog or shoot them. He entirely agreed that this punishment was of less severity than that of death; but he would remark that a man of high courage would rather be shot than flogged. Prisoners of war were subjected to neither of these punishments; but were sent, somehow or other, into confinement. Was the Committee to be told that the trifling number of men flogged in time of war was to be compared with the number of prisoners of war? They were often reminded of the more severe punishments inflicted in the Armies of Europe; but was there no other Army in the world besides these with which our Army could be compared? There was the Army of the United States of America in which flogging was not practised. He should support henceforward every Motion tending to the entire abolition of flogging in the Army.

Mr. MUNTZ supposed no man in the House would wish to retain the punishment of flogging if any proper substitute could be found. He thought his hon. Friend who had just spoken could hardly have read the Articles of War of the United States. The Americans, it was true, had abolished flogging in time of peace; but they retained corporal punishment in time of peace and war. Then they were told that there was no corporal punishment in the Armies of the great European Powers, and that even Russia had entirely abolished it. But he knew that recently a captain of a company in the Austrian Army could order 25 lashes without court martial. He pointed out to the hon. Member for Hackney (Mr. J. Holms), in reply to the argument made use of by him for getting rid of soldiers in the same way as prisoners of war

Mr. Hopwood

were dealt with by sending them to the rear, that it was impossible that all the soldiers could be treated in that way. He (Mr. Muntz) should not be in favour of the retention of the punishment if he thought discipline could be maintained without it; but he thought we must come at last to the alternative of flogging or death. There was no getting out of the fact that there must be corporal punishment of some kind, without which discipline could not be maintained. If any efficient substitute for it could be devised, he should be very glad to see it. Coming to another point, he knew that cases of gross tyranny had occurred in cases where flogging was ordered by the provost marshal. He had always objected to that practice, and should have much pleasure in supporting the Amendment standing in the name of the hon. and gallant Member for Galway (Major Nolan), the object of which was to prevent the infliction of the punishment except by order of court martial. He had witnessed great tyranny on the part of provost marshals, and that would always occur where men of violent temper had absolute control of their fellow-creatures. If the hon. and learned Member for Stockport moved to reduce the number of lashes to 30, he should vote with him.

MR. RYLANDS did not intend to go into the general question of flogging, because it had been discussed on a former occasion; nor did he think that any sufficient argument had been advanced to justify the Committee in believing that the existing system of punishment by flogging should be maintained. His hon. and learned Friend the Member for Stockport had proposed this Amendment, not because he liked flogging in any degree, but in order to see whether Government could not be induced to go some way to meet the views of those who were altogether opposed to the punishment. He (Mr. Rylands) felt sure that the right hon. and gallant Gentleman was aware that a very strong feeling existed upon this question both inside and outside the House, and he referred to the fact that the opinions expressed in the House two years ago were very considerably in this direction. When the old Mutiny Bill was under discussion the opinion of the House was very strong that they had been in the habit of passing from year to year,

without alteration, Mutiny Bills based upon the judgment and on the idea of punishment which belonged to an age by no means so humane as our own; and it was contended that the time had come when the Mutiny Bill should be dealt with in a broad spirit, with a view to see if a number of clauses unsuitable to the characteristics of the present day could not be got rid of. Her Majesty's Government met the objections which were urged in the House against the general provisions of the Mutiny Bill, in a debate which lasted a long time, by saying that they would refer the whole question to a Select Committee. But the result of that Committee had been very disappointing; for, instead of dealing with the question on broad lines, and in the spirit indicated by the discussions which had taken place in the House two years ago, the Government had taken the most extraordinary course of laying before that Select Committee a Bill which systematized all the characteristics of the Mutiny Act and Articles of War which had been in existence for years. The Committee did not, however, much approve of the position in which they had been placed, for he observed they said—

“Your Committee have mainly directed their inquiries to the examination of the schemes of Military Law submitted by the Secretary of State for War, and to the explanation of them by Sir Henry Thring, a course which, though somewhat unusual, appeared the most convenient.”

The hon. and learned Member for Oxford (Sir William Harcourt) was fettered by the course taken by the Government in bringing to the Committee a form of Bill which practically crystallized the Articles of War and the Mutiny Act of former years, and which, instead of making the law more lenient, made it harsher. Hon. Members on both sides of the House had stated very positively that the Bill had been drawn on wrong lines, and that its effect would be to increase the harshness rather than the leniency of legislation. He wished to point out to the right hon. Gentleman the Leader of the House, if he would do him the favour to attend for one moment, that the difficulty in transacting Public Business was very much increased by this Bill having been laid upon the Table. The Bill had resulted from a Select Committee appointed with a very different expectation, and received cor-

dial support neither on the one side of the House nor the other. Moreover, he had observed that opinion out-of-doors was going against the Bill; and the leading journal, after supporting it for some time, expressed an opinion, two or three days ago, that it would be much better, and would save the time of the House, if the Government were to pass a provisional Bill this Session, with a view to the introduction of a more mature measure next year. He should be prepared to support any Amendment, the effect of which was to reduce the application of corporal punishment in the Army to a minimum, which he held had not been proved to be necessary either for its efficiency or discipline. The hon. Member for Birmingham (Mr. Muntz), whose good sense was always manifest in his speeches, had given his authority, which he (Mr. Rylands) looked upon as worthy of great respect, in favour of maintaining a portion of this punishment—for even he had indicated a very important modification—but his hon. Friend ought to have borne in mind that the same arguments as his were used in the House of Commons 20 years ago to maintain an extreme of corporal punishment which would at the present day be shrunk from as perfectly disgraceful. And yet there were Gentlemen in those days, of high spirit and great judgment, who maintained that this punishment must be continued. He did not for a moment charge any hon. Member with inhumanity in supporting the punishment at the present time; on the contrary, he could believe him to be quite as humane as any of those who opposed it, and wished it to be excluded from the Bill altogether. He admitted that the right hon. and gallant Gentleman had conducted the Bill with great courtesy; but was obliged to refer to the circumstance that on a former occasion, in allusion to the Amendment under discussion, he had gone out of his way to say that he would oppose all the other Amendments on the Paper in the name of the hon. and learned Gentleman the Member for Stockport (Mr. Hopwood). [Colonel STANLEY dissented.] He was glad to see that the right hon. and gallant Gentleman shook his head, because he must have been misunderstood. But he would submit to the Secretary of State for War, in view of the number of Amendments to the Bill

of which Notice had been given, that the progress of the measure might probably be promoted, if the Government were prepared to meet the views of hon. Members on some material point, and say that they were willing to reduce the infliction of this degrading punishment, and surround it with certain limitations.

MR. NEWDEGATE said, it was rather too much to expect the House to consider this as an agreeable subject; at the same time, he believed it had too strong a sense of duty to agree to anything which might tend to render exaggerated punishment necessary, and to substitute the punishment of death for that of flogging; or that the majority would do anything that might tend to the disorganization of Her Majesty's Forces in the field. He must recall to the Secretary of State for War that Questions had been put in that House reflecting very grossly and very unjustly on Her Majesty's Forces in South Africa. It would be in the recollection of the Committee that day after day attempts had been made to impute to Her Majesty's Forces, and to the highest officers in the employ of Her Majesty, acts of the most disgraceful barbarism. Reflections had also been thrown upon the Contingent Forces in South Africa; and almost immediately some hon. Members, actuated by humanitarian motives, had risen to propose alterations which would deprive the officers of those corps of the means of enforcing discipline amongst them. He felt sure the Committee would see the utter inconsistency of such proceedings. The proposals of hon. Gentlemen opposite were the more extraordinary because the Bill before the Committee proposed to reduce this punishment to a minimum. He was sure that Her Majesty's Government ought to guard themselves against being induced unduly to relax the means of maintaining discipline, as also against giving any countenance by such relaxation to the gross charges of want of discipline, plundering, and the like, which, truly or falsely, were reiterated in that House.

MR. J. BROWN was one of those who had supported the Government all through in the matter of flogging, because he did not believe it could be dispensed with; but he trusted that some understanding might be arrived at and an end put to the discussion, which had lasted a long time, by the substitution

Mr. Rylands

of a less number of lashes than that named in the Bill. Remarks had been made with regard to the discipline in the Army of the United States, in which it was said there was no flogging; and it was true that in the war between the North and South there was very little. But, as most of his schoolfellows had been in the Army in America, he was in a position to state that the cruelty used as a substitute was something beyond belief, people being strung up in trees, and suffering other varieties of cruelty, instead of flogging. He made these remarks for the purpose of showing that in our Army flogging could not be done away with; but he thought that an understanding might be come to that 25 lashes should be the limit; and the fact that it was considered sufficient that not exceeding 25 lashes were to be inflicted in prison led him to hope that the same number might be introduced into this clause, instead of 50. He ventured to appeal to the Government to consider this suggestion, with a view to shortening the discussion; as also to the hon. and learned Member for Stockport (Mr. Hopwood), who would, perhaps, accede to the proposal, inasmuch as it went in the direction in which he and his hon. Friends desired to go.

COLONEL STANLEY said, he quite appreciated the spirit in which the hon. Member who had last spoken had made his suggestion; at the same time, he was obliged to say that it was one which the Government could not accept. The Committee should not lose sight of the fact which, with his strong common sense, the hon. Member for Birmingham (Mr. Muntz) had brought out, that if they were to abandon this punishment they would, in certain circumstances, in order to maintain discipline, inevitably be driven back to the repression of crime by other and more severe means. Flogging was the punishment which, by custom, had been adopted in the British Army in preference to picketing—making a man stand with his heel upon the small point of a picket—or such punishment as riding a wooden horse. He firmly believed that if they were to attempt to make the punishment too slight in cases where severe discipline was necessary, they would run the risk either of forcing the authorities, now obliged, in some cases, to keep down crimes with an iron hand, to inflict capital punishment

in cases where they were now able to flog, or to resort to other means which might be of far greater cruelty. Of course, corporal punishment was severe, and he was not for a moment going to say it was not; but the crimes committed on active service for which it was inflicted were of a very serious character, and it had been well pointed out by the hon. Member for North Warwickshire (Mr. Newdegate) that, on the one hand, the authorities were accused of allowing a state of loose discipline to exist; and, on the other, that the Committee were asked to deprive those authorities of the means of enforcing discipline. There was not, so far as he was aware, that sense of degradation felt by soldiers at being flogged which some hon. Members supposed. Of course, he did not suppose that soldiers upon whom this punishment had been inflicted would come forward and say so; but the other day he was informed of the case of a private soldier who, having been flogged by the provost marshal, was willing to bear another punishment from his commanding officer rather than say he had fallen into the hands of the provost marshal. The man took the punishment of flogging; but it was obviously of so light a character that he was perfectly able to go about his duty in the ordinary way. What he said in answer to the hon. and learned Member for Stockport (Mr. Hopwood) had been misunderstood. The hon. and learned Member had several Amendments to Clause 44; these Amendments all hung together, and he said he could not accept any of them. But he was far from saying that he could not take into consideration other Amendments. The hon. Member for Birmingham (Mr. Muntz) had really gone to the root of the whole matter. If they wished to support discipline they must retain summary punishment, and if they did not have such a summary punishment as flogging, they would probably have to take to summary punishments quite as severe, though more irregular, than flogging. Either the latter or capital punishment would have to be adopted for the cases in which it was proposed to inflict flogging. He did not feel it consistent with his duty, occupying the position he did, to recommend to the Committee that the maximum of lashes should be reduced below 50, particularly as it was within the discretion of the

court to inflict what number of lashes below 50 that it pleased.

MR. SHERIDAN said, that there were two points to which he wished to refer. It had been stated by the right hon. and gallant Gentleman the Secretary of State for War that no common soldier had expressed his disapproval of this mode of punishment, and that had been offered as a reason for its retention. He should like to know what opportunity any common soldier had of expressing his approval or disapproval of the punishment? They were there as one class, legislating for another, and inflicting punishment upon another. One class was in the ascendancy, and what opportunity was there for that class to know the wishes of the other class in connection with the administration of the Army, or as to the infliction of the punishments which, it was said, must be resorted to? That House was composed of the class from which officers were taken; they had Gentlemen there holding commissions as officers in the Army, and they had Gentlemen whose fathers, or brothers, or sons, were officers in the Army; but what representation had the common soldiers? None. The right hon. and gallant Gentleman had challenged them upon this question. He stated that no common soldier objected to this kind of punishment; but he did not state who represented the common soldier in that House. They had one or two hon. Members representing the mining interest; but they had no hon. Members representing directly the working classes, nor did any hon. Member represent the common soldier, or sailor before the mast. They were then enacting class legislation for the maintenance of peculiar privileges against another class, which had no opportunity of lifting its voice, or protesting, or explaining its views with respect to this peculiar description of punishment. It was said, further, that this punishment was not looked upon as an indignity. He remembered having heard from a man who was employed in the American Mercantile Marine that he was once pressed into an English man-of-war. He protested at the time that he was serving in the American Marine. That was before the war in 1830 broke out; but no attention was paid to his protest that he was serving under the American flag. He was compelled to serve in the British Navy.

Colonel Stanley

THE CHAIRMAN pointed out to the hon. Member that the question he was going into was not the subject raised by this Amendment. The Amendment was with reference to the number of stripes to be inflicted in the Army, and not as to the principle of flogging.

MR. SHERIDAN was surprised that the Chairman of Ways and Means should make such an observation as that, for he was only giving this case as an illustration of his arguments in the matter. He had no wish to detain the Committee at any length with regard to the subject; but when the right hon. and gallant Gentleman told them that no common soldier had made any protest against the infliction of this punishment, he wished to urge upon the Committee that it should not take that for granted, but should remember that soldiers and sailors were not represented in that House; and that, in reality, this punishment might be felt by them as a great indignity, and might be very prejudicial to the Service of the country.

MR. O'CONNOR POWER rose to Order. He submitted that an hon. Member in discussing a clause of the Bill might illustrate his views by referring to a subject which had not been debated upon the second reading. He thought that his hon. Friend was perfectly in Order in the remarks he had made.

THE CHANCELLOR OF THE EXCHEQUER said, that the question raised at that moment was rather one of the authority of the Chairman than of anything else. ["No, no!"] Perhaps he might be wrong; but he understood the hon. Gentleman to be challenging the decision of the Chair.

THE CHAIRMAN said, he must point out that the question raised by the Amendment was as to the number of lashes that might be inflicted under sentence of court martial in the Army. That was the subject before the Committee, and as he was responsible to the House, it would be wrong if he were to allow the discussion to stray into a question of side-issues. Although, as the hon. Member for Mayo (Mr. O'Connor Power) had observed, the question of principle had not been raised on the second reading, he must point out that it had already been decided in discussions on earlier clauses of the Bill.

MR. SHERIDAN said, that the Committee could not give too much attention to this question of corporal punishment. The Committee was asked to sanction the reduction of the power to inflict torture upon certain classes of the Army. They were asked, in the spirit which animated their forefathers in inflicting this punishment, to continue it when, by the spread of civilization and education, it was no longer necessary. They were asked to continue a power in the hands of a class, which, though in former days it was thought nothing of, was now resented. In former times, it was not thought too great a punishment to administer 1,000 lashes to a soldier for a small offence. Such a punishment as that would not now be continued; but it gave them some idea of the views which were then taken as to the infliction of this torture. It had been proved to demonstration that the views of the class which insisted upon this punishment were wrong. It had been admitted that they were wrong in desiring to retain a power to inflict 1,000 lashes; but still they asked for power to inflict 50 lashes, which would amount to 450 stripes. He would ask whether they could not do away with this antiquated punishment altogether? The spread of education and the system of short service ought to enable them at first to diminish this punishment, and then to abolish it. In these days, it was a confession of weakness on the part of any civilized nation to continue the practice of corporal punishment.

MR. CHAMBERLAIN said, that up to that period he had not taken the slightest part in the discussion of this Bill; he trusted, therefore, that he might be allowed to make a few observations with regard to it. He was one of those who believed that the punishment of flogging was unnecessary in itself, and immoral and wrong altogether. The opponents of flogging found a very considerable difficulty in voting for an Amendment which proposed to inflict that punishment, although diminishing the number of lashes. All their objections to the administration of the punishment of flogging applied whether the number of lashes given was six or whether it was 60. He understood that his hon. Friend was, however, making one, of what he hoped would be many protests,

against a system which justified, in his opinion, the most determined opposition. It might be said that such opposition as that amounted to obstruction. He thought that there was only one thing which justified such persistent opposition as was now offered—namely, the persistent obstinacy on the part of Her Majesty's Government to give way to the views expressed on that side of the House. The refusal on the part of those who had the conduct of this Bill to meet in any way the strong feelings which had been expressed on that side of the House justified any opposition to the Bill. He was convinced that, so long as the right hon. and gallant Gentleman the Secretary of State for War met their objections with "no surrender," the progress of the Bill would not be facilitated. He wondered that the Government had not accepted the Amendment of the hon. Member for Horsham (Mr. J. Brown). He objected to this punishment, not merely because it was degrading and brutal, and unworthy of our civilization, but because he was convinced that it was injurious to the discipline and character of the Army. He was aware that it might be said that he knew nothing about the Army; but he did know a great deal about the classes from which the Army was taken, and he had heard a great many men amongst the working classes complain of the punishments to which they would be subjected if they enlisted, and give that as a reason for their refusing to enlist; although, if that objection did not exist, other circumstances were such that they might have accepted the terms offered on behalf of Her Majesty. It had been stated by the right hon. and gallant Gentleman the Secretary of State for War that the private soldier did not feel that flogging was any indignity; but the illustration which the right hon. and gallant Gentleman had given proved the contrary, for he told them of the case of a man who submitted himself to further punishment rather than confess that he had undergone the degrading infliction. But that only proved the degrading and debasing nature of the punishment, and he knew that the horror of this punishment on the part of the great number of the working class was very great indeed. The general effect was to lower the status of the Army, for it prevented the best men from going into the ranks.

The right hon. and gallant Gentleman the Secretary of State for War had alleged that this punishment was only inflicted for very serious offences, and that, if it was not inflicted for such crimes, death must take its place. But one of the very gravest objections which he had to the punishment was that it was inflicted for very slight offences indeed. It could not be denied that flogging could be inflicted for very slight offences. He did not doubt that a good commanding officer—a thoroughly good man—would not inflict it upon those under his command for slight matters; but there were bad men as well as good men in the Service, and this clause would put it in the power of bad commanding officers to inflict the punishment of flogging for very trifling offences. Further, it had been said by the right hon. and gallant Gentleman that a decent working man would have no fear of being flogged, for he was not likely to commit those disgraceful and serious offences for which flogging was to be employed. He would ask, what were those grave and serious offences for which flogging was to be inflicted? He found that flogging might be inflicted, under the clause they were discussing, for every offence for which the punishment of imprisonment was provided, or for which a greater punishment than imprisonment might be inflicted. He found that there were no less than 79 categories of offences for which imprisonment might be inflicted, and, probably, there would be another large class of offences for which the greater punishment of death was inflicted. Then there were more than 100 distinct classes of offences for which, under the circumstances mentioned in the Bill, flogging might be inflicted. In Clause 11, any person subject to military law—

“Neglecting to obey any general garrison order, or other order, was, on conviction by court martial, if a soldier, liable to suffer imprisonment, or such less punishment,”

as was in that Act mentioned. Therefore, for that offence, a soldier might be flogged. Any soldier neglecting to obey any order! Was it possible for a clause to be framed which should contain a greater number of possible indefinite trivial offences than this? Then, again, in Clause 15, any soldier who, without leave from his commanding officer, ab-

sented himself from any school when duly ordered to attend there, was liable to suffer imprisonment, and, therefore, flogging. No doubt, it was ridiculous to suppose that any commanding officer would inflict the punishment of flogging for such an offence as that; but still it was not right to provide such a punishment for a soldier who could not be considered a criminal of the deepest dye. Then, again, any man who, after signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, left in blank any material part for which his signature was a voucher, or refused, or by culpable neglect omitted to make or send a report or return which it was his duty to make or send, was liable, if on active service, to be flogged. An instance had been adduced by his hon. Colleague the Member for Birmingham (Mr. Muntz) of the severity of the American martial law, in that they flogged even for the offence of drunkenness. But, under this Bill, they were going to inflict the punishment of flogging for quite as slight an offence as that of drunkenness, and many more trivial offences. Under Clause 19, any man drunk, either on duty or off duty, was liable to suffer imprisonment, and was, therefore, on active service, subject to be flogged. He would remind the Committee that, under Clause 44, the punishment of flogging might be inflicted for any offence punishable under the Act with imprisonment, or a greater punishment on soldiers while on active service, or on board any ship not commissioned by Her Majesty. Therefore, under those circumstances, drunkenness, although it had taken place off duty, and not in the slightest degree affecting the security of the troops, might render a man liable to the punishment which, at home, would be imprisonment; but which, being in the field, might be flogging. But that was not all, for, in Clause 40, other conduct to the prejudice of military discipline was dealt with. The gentleman who drew up the Act was so afraid that he might omit something that he provided, in Clause 40, that every person subject to military law, who committed any of the following offences—that was to say, was guilty of any act, conduct disorder, or neglect, to the pre-

Mr. Chamberlain

judice of order and military discipline, though not in this Act otherwise specified, should, if a soldier, be liable to suffer imprisonment or some less punishment. He challenged the right hon. and gallant Gentleman the Secretary of State for War to say how, in the face of the clauses which he had quoted, he could get up in his place and say that any decent working man could enter the Army without the slightest fear that he would be exposed to the punishment of flogging except for the most serious and grave offences? He thought he had shown, by reference to the Act, that a soldier rendered himself liable to be flogged for the most trivial offences when on active service, or on board ship, not being a ship of war. The right hon. and gallant Gentleman could show the sincerity of his convictions by agreeing to an Amendment to the effect that corporal punishment was only to be inflicted for offences to be specified in a Schedule. If the Government would put in a Schedule specifying the offences which, upon active service, would render a man liable to be flogged, then he would venture to say that a great deal of the opposition to the punishment would be disposed of, and they would make considerable progress with the measure. Unless the Government would do that, he maintained that they would be justified in resisting by all the means in their power the retention of the punishment of flogging.

SIR WILLIAM HARCOURT thought that the arguments which had been addressed to the Committee by the hon. Member for Birmingham (Mr. Chamberlain) were well worthy of attention. Flogging ought not to be inflicted, in his opinion, when on active service, and in the presence of the enemy, except for the gravest offences. When the Committee came to a decision on this subject, they thought that sentiment would be raised as much on the side of flogging as against it. Suppose a soldier, in the course of a war with France, was guilty of ravishing women, or doing any odious offence of that kind, they must have some severe restrictions in order to meet the evil. For, however high their opinion might be of soldiers, they knew that under temptation, and under the spirit of war, such offences as he had mentioned were sometimes committed. He could not come to the conclusion that

this method of violent restraint was capable of being dispensed with altogether. He thought that the argument of his hon. Friend the Member for Birmingham was a very strong one; for he had shown that this Bill did allow the infliction of corporal punishment in a great many cases for trivial offences. This had not arisen, he believed, from the intention of the framers of the Bill, or from the views of the Government; but was rather a question of drafting. It had been said that everybody who was liable to imprisonment should also be liable, when on active service and on board ship, to be flogged. He thought it clear that they would not desire to flog, under these circumstances, for all offences for which a man, when at home, would be liable to imprisonment. He did think that if the Government gave an assurance that there should be some attempt to define and specify the offences for which flogging was to be inflicted, all reasonable objection would be met. He did not say that they should specify every offence for which flogging was to be inflicted, but that they should give some definition in the Bill of the class of offences to which the punishment was applicable. If that were done, he agreed that a great deal of the opposition to the punishment would be removed. It did not seem to him that that could be done at that moment, for it would require a great deal of time to consider how far the definition should be given. He was, therefore, willing to support the modification suggested by the hon. Member for Birmingham. With respect to the number of lashes, he thought that the proposal of the hon. Member for Horsham (Mr. J. Brown) was deserving of the attention of the Government. He thought that if the right hon. and gallant Gentleman the Secretary of State for War would give the Committee an assurance that there would be an attempt in the Bill to make an accurate specification of the cases in which flogging was to be inflicted under the Act, a very substantial benefit would result.

COLONEL STANLEY said, that he could not undertake to give off-hand any such promise as was asked; but if he were in Order, he would say that he agreed in principle with what had been stated by the hon. and learned Member for Oxford (Sir William Harcourt). An Amendment had been put down by the

hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon), and he had conferred with him with regard to it. He was willing to adopt that Amendment, by which on board ship corporal punishment was to be limited to a certain specified class of cases. If he went any further in the direction in which the hon. and learned Gentleman had indicated, he thought that it must be not by the limitation of punishment as proposed, but by the limitation of the crime in respect to which the punishment was to be inflicted. In saying that he accepted the Amendment of the hon. and gallant Member for Aberdeenshire, he would state that his own convictions were in favour of limiting this punishment; but he could not give any promise with regard to the matter, for he might be misleading the Committee. Still, he would state that if any change could be made, he thought it should be in the direction which had been suggested.

MR. MITCHELL HENRY said, that the right hon. and gallant Gentleman could hardly expect those who were opposed to the punishment of flogging, except in extreme cases, to support Her Majesty's Government. Nor could they expect any support from those who were opposed to the infliction of the punishment even in time of war, or when troops went on board ships not belonging to the Royal Navy. He thought that the proper course to take would be to postpone the consideration of this clause, in order to enable the right hon. and gallant Gentleman to consult those who had framed the Bill. ["Hear, hear!"] If that were done, he thought he had gathered from the cheers with which the suggestion had been received that the progress of the Bill would be facilitated, and that everything would be done to resume the discussion in a fair spirit. He thought that he had some right to appeal to Her Majesty's Government on this occasion, for he had stood very much alone in supporting the Government in its demands for the power to maintain the right to flog when troops were in the field or on board ship. In doing that, he believed that flogging would be inflicted only for really dangerous or grave offences. He was asked by other hon. Members for what kind of offences flogging would be inflicted? The kind

of offences which he had in his mind were such as two or three men might commit in endangering the lives of all on board a ship by breaking into the spirit store. Under the circumstances, he thought it only right that summary punishment should be visited on those men by the commanding officer of the regiment. To that extent, he was prepared to support Her Majesty's Government. He had since had an opportunity of consulting a gallant officer who had seen much service in various parts of the world. He had asked him as to the cases in which flogging was inflicted in time of war. He replied that the flogging which was to be objected to was that inflicted by the provost marshal. He said that the provost marshal was an officer, usually a subaltern or some junior officer, who kept up the discipline of the regiment on the march, and that he could inflict the punishment of flogging whenever he chose. He said to him—"But surely he does not flog except for very serious offences?" The officer replied—"Ah! but he does."

THE CHAIRMAN said, he must point out to the hon. Member that the clause before the Committee related only to flogging by court martial, and that there was another clause in the Bill which related to punishment by a provost marshal.

MR. PARNELL would ask the Chairman of Ways and Means to re-consider his decision, for it was a most important matter. The Amendment of the hon. and learned Member for Stockport went to the principle of the measure. If he succeeded in limiting the number of lashes that were to be inflicted, that restriction would apply as well to the provost marshal as to the court martial. If they succeeded now in limiting the number of lashes to be inflicted by the court martial, surely the provost marshal could not inflict more.

THE CHAIRMAN said, he did not think that that was the accurate view. The clause which was now before the Committee related only to punishment by court martial, and had nothing whatever to do with the punishment by the provost marshal.

MR. MITCHELL HENRY said, that the decision of the Chairman made it thus more important that they should agree to the Amendment which had been

proposed with a view to limiting the number of lashes to be inflicted by a court martial. There was no possible reason why the Government could not consent to put in a Schedule the offences for which the punishment was to be inflicted. It might be said that flogging was to be inflicted in an emergency by some particular person for keeping up discipline; but now they had been told that flogging was to be inflicted by a court martial as well. A court martial was composed of several officers, and required time to assemble. It was a serious investigation, and there was plenty of time for deliberation. Of the flogging inflicted by court martial a record was kept; but of the flogging which went on under the orders of the provost marshal there was no record at all. He trusted that Her Majesty's Government would agree to postpone this clause until it had made up its mind as to the course which it should take, and as to what ought to be done in the interests of the soldier, and in pursuance of the feelings of the House and the country in relation to the punishment.

SIR CHARLES W. DILKE considered that the Government ought to accept the proposal of the hon. and learned Member for Oxford (Sir William Harcourt). There could be no doubt that if they did not do so, looking to the strong feeling on the subject on that side of the House, they would waste a great deal of time. It was not only those who objected to the punishment of flogging who were against them, but also those who did not object to flogging altogether; but who, nevertheless, maintained that corporal punishment should not be inflicted for offences which the House had not defined, and of which they knew nothing. The hon. Member for Birmingham (Mr. Chamberlain) had laid before the Committee a large number of offences drawn from the clauses of the Bill, for which he maintained the punishment of flogging could be inflicted. In Clause 6, there was an offence defined, of which no hon. Member, so far as he could find, could give any explanation. It was the military offence of forcing a safeguard. For that offence a soldier, if on active service, was liable to suffer death; and if the offence was not thought worthy of that punishment, then flogging. Under the Bill a soldier might be flogged for being drunk when on active service; but when

off duty, although he might be a considerable distance from the enemy, and in a place where nobody would be endangered by his crime, surely, it could not be the intention of those who supported flogging as a punishment that it should be inflicted for an offence of that kind? With regard to the Amendment of the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon), which the right hon. and gallant Gentleman the Secretary of State for War had expressed his intention to accept, that Amendment, he would point out, was limited by the words "on board ship;" but if the Government did not define the offences for which flogging was to be inflicted, they could raise the whole question by proposing to omit from the Amendment of the hon. and gallant Member the words "on board ship." That would enable the matter to be raised in the most definite form. He did not think there were many civilians who had seen so much of war as he had done. He went all through the Franco-German War, and was part of the time with the French and part with the German Army. In no case but one did he ever see any painful corporal punishment inflicted. One case which he saw was that of a Prussian soldier, who was tied to a tree; but no other torture was inflicted upon him. So far as he could make out, the man had been caught committing some disgraceful offence, and a disgraceful punishment was accordingly inflicted upon him. Every hon. Member of that House was well aware that flogging did not exist either in the French or the German Army. He did not believe that it existed in any European Army—it had certainly been abolished in the Russian Army—although, not being acquainted with the Austrian Army, he could not speak of that. Surely, it was not a good thing for any Army that they should remain behind in this matter. The infliction of this punishment must have a very injurious effect upon recruiting; no man could prove exactly whether it had an effect upon recruiting or not; but all they could do was to gather a certain amount of evidence from conversation with the classes from which the Army was drawn. Hon. Gentlemen that had done so were absolutely convinced that flogging had a prejudicial effect upon recruiting. But, having shown that a

considerable amount of doubt existed upon the subject, surely it was most important that they should look into the matter and thoroughly investigate it. They were now making a Bill for all time, or for, at least, a very considerable number of years; and whenever that House enacted the punishment of flogging—a punishment which had been disapproved of by all foreign nations for a long time—the Government ought really to know the whole facts of the matter, and to postpone the consideration of the clause in order to make up their minds.

SIR ROBERT PEEL said, that a great deal of discussion had taken place upon this Bill, in which he had borne no part. From what had taken place, it was evident that, unless the Government would give some assurance that they would accept the suggestion of the hon. and learned Member for Oxford, no progress could be made with the Bill. The hon. Member for Birmingham had entirely upset the calculations of the Government, and his speech must have impressed everyone who listened to it. By way of parenthesis, he might say that he heard from all sides that the Bill was a bad one. The hon. Member for Birmingham had come forward and made a statement, which had been uncontradicted, that every person who was subjected to imprisonment by the Bill would be liable to be flogged on active service, or on board ship, and the hon. Member had drawn attention to the vast number of clauses of the Bill which thus enacted flogging. He thought that it was most important for the Government to pay some attention to those observations of the hon. Member for Birmingham, although they could not, as the hon. and learned Member for Oxford (Sir William Harcourt) had very truly said, expect the Government at a moment's notice to specify all the offences for which flogging was to be inflicted. Still, the answer of the right hon. and gallant Gentleman the Secretary of State for War to the proposal was not satisfactory, for all he said was that he had adopted the Amendment of the hon. and gallant Baronet the Member for Aberdeenshire—an Amendment which dealt entirely with soldiers on board ship, and the right hon. and gallant Gentleman said that he could give no pledge to entertain the proposal of the hon. and learned Member for

Oxford to specify in a Schedule of the Bill all the offences for which the punishment of flogging was to be inflicted. They were wasting time by considering the question in that state of affairs; the Government could not be allowed to proceed in this matter until they had given an assurance that they would accept the suggestion of the hon. and learned Member for Oxford, based upon the proposal of the hon. Member for Birmingham, and that they would as soon as they could submit to the House a Schedule containing the offences for which flogging could be inflicted. Until they had done that, he did not think the Government should be allowed to proceed.

SIR HENRY HAVELOCK thought the suggestion of the hon. Member for Birmingham was a reasonable one, although he had no hesitation in expressing his opinion that the punishment of flogging should be greatly restricted, but should be maintained. That was the position which he had always maintained upon this question, and he did not now recede from it; his contention being that, wherever necessary, flogging should be inflicted. Still, he did think that the suggestion made by the hon. Member for Birmingham was a perfectly reasonable and fair one. All that he asked for was that a Schedule should be prepared containing the offences for which, in extreme cases, a soldier should be liable to corporal punishment. To prepare such a Schedule would be a work of no difficulty to anyone who was practically acquainted with the infliction of punishment in the Army. Such a Schedule would leave no doubt as to the crime for which punishment was to be inflicted, and would, moreover, enable the good soldier to feel conscious that he was not liable to corporal punishment. It would have the effect of abolishing the fear of corporal punishment, which now acted as a strong deterrent to a large class of men, and prevented them from enlisting. The Schedule would not only render it impossible for a good soldier to be flogged, but it would tend to dissipate the delusion that there was any desire on the part of officers to abuse the powers that were placed in their hands.

DR. KENEALY thought it was very much to be regretted that Her Majesty's Government had not accepted the proposal of the hon. and learned Member

for Oxford. So far as he could understand, the population of this country had a strong repugnance to flogging in the Army. The proposal which had been made seemed to him to be a most reasonable one, if the Committee would bear in mind that in all enactments with reference to those who had broken the laws of the country the House had been most particular to enumerate the particular offences for which flogging was to be inflicted. Even Her Majesty's Judges, in administering the laws of the land, were tied down by very stringent limitations in the infliction of corporal punishment. In all enactments dealing with criminal matters, the House had decided and enacted by law the actual offences for which corporal punishment could be inflicted. He did not say that the same restrictions as regarded corporal punishment could be applied in reference to soldiers as to civilians. But it seemed to him that it was absolutely necessary to specify some offences. There was this additional reason for doing it in the case of military offenders. Courts martial were sometimes composed of very young officers, who might not all be possessed of very good judgment; and it was undesirable that the power of inflicting corporal punishment should be placed in the hands of any men, unless there were some assurance that it would not be exercised until the expediency of exercising it had been carefully considered. He thought that in the present case the difficulty would be met by giving the power to inflict corporal punishment for particular and grave offences.

COLONEL STANLEY said, that he had had a great many observations addressed to him from various parts of the House, urging him to put certain limitations upon corporal punishment. He had always expressed himself as being only an advocate for corporal punishment where absolutely necessary, and with a view to preventing a more serious punishment. He had been asked whether he could reduce the number of lashes; but he did not feel it to be consistent with his duty to do so, because the punishment, if inflicted at all, ought to be severe. The junior Member for Birmingham had pressed upon the attention of the Committee the fact that there were many crimes for which, even inferentially, a soldier might be liable to corporal punishment. That might be

so; but no one would ever suppose that flogging would be inflicted for some of the matters mentioned by the hon. Member. He freely admitted, however, that it was quite right to limit a severe punishment of this kind, and to fence it round in every way in which it could be done without destroying discipline. He had been asked whether he could give an undertaking that a Schedule of the crimes should be framed for which alone corporal punishment could be inflicted. In answer to that request, he had said that in principle he was in no way opposed to that; but that the matter was one of drafting and one of considerable difficulty, although it might appear to be simple enough, and he did not like to give a promise which he might not be able to fully carry out. So far as his own convictions went, they pointed very much to limiting the class of crimes rather than altering the nature of the punishment. He apprehended, also, that he would not be in Order in postponing this clause, even if they wished to do it, for it had been already amended. They were in a position of some difficulty. All that he could undertake to do, under the circumstances, and what he was perfectly ready to do, was to lay before the Committee a Schedule. That, he understood, was the only demand which had been made upon him on the part of the Committee; and it was all which, in view of the previous decision of the Committee that corporal punishment should be inflicted, he felt it consistent with his duty to do. He did not see that much good would be effected by leaving out the words "on board ship" from the Amendment of the hon. and gallant Baronet the Member for Aberdeenshire. It did not seem to him that the Amendment of his hon. and gallant Friend would meet all the cases on active service. Probably, it would be better to deal with both of these Amendments in connection with Schedules specifying the offences for which corporal punishment could be inflicted on board ship and also on active service. The House would then have clearly before it the offences for which that punishment could be inflicted. Of course, the Committee would be aware that the difficulty he felt was a matter of drafting; it was an important subject, and he was placed in a position of doubt, without time for consideration. How-

ever, he thought he should be taking up the time of the Committee in asking them to postpone the clause, after the explanation which he had given, and which he trusted would be satisfactory. He hoped that, the matter having been discussed very fully, they would be now allowed to proceed to a decision.

MAJOR NOLAN wished to point out that there was no difficulty about the Schedule at all, for the Amendment which he had put upon the Paper to substitute for the word "imprisonment" the word "death" would do all that was wanted. By simply making that alteration, they had their Schedule made for them. He wished, also, with the permission of the Chair, to speak for a moment to the point of Order. The Chairman seemed to consider that the number of lashes in Clause 44 did not affect the position of the provost marshal. What he wanted to point out was, that in the Peninsular War the provost marshal frequently gave 100 or 200 lashes, when he would not now have dared to give more than 40 or 50. The reason for that was, that in Clause 22 of the present Mutiny Act it was provided that no sentence of corporal punishment should exceed 50 lashes. That clause was put in about 30 years ago, and that clause prevented the provost marshal from giving more than 50 lashes. That was not a matter of contention, because the Government had put opposite this very line in the Bill — "Mutiny Act, Clause 22," referring to this clause. This clearly proved that the old Mutiny Act governed the number of lashes the provost marshal could inflict; and, therefore, that this clause fixed the number of lashes that the provost marshal could give—in fact, there was no other reference to him in the Bill than that contained in this clause. There was, also, another line of argument. Clause 22 declared that the powers of the provost marshal should be regulated by the rules of the Service, and that was exactly the point which they were now discussing. As the provost marshal chiefly dealt with flogging, this was a very important rule of the Service. He thought, upon consideration of these points, which could not have been known to him previously, that the Chairman might be fairly asked to consider his ruling, and not prevent them from discussing the powers of the provost marshal under this clause.

Colonel Stanley

Mr. PARNELL, before the Chairman gave his decision, wished to point out, in addition to what had been said, that there was no limitation in Clause 72, either as to the nature or the extent of the punishment inflicted by the provost marshal; and, therefore, if it was not limited by this clause, it would not be limited at all, and the General in command might order any extent of flogging that he chose.

THE CHAIRMAN said, that it was not for him to pronounce any opinion as to the construction put upon the old Mutiny Act by the provost marshals. He could only give the Committee the benefit of the conclusion at which he had arrived as to the construction of the Bill before it. It appeared to him very clear that this clause defined the crimes for punishment as those crimes under the cognizance of courts martial. By Clause 72, the powers and jurisdiction of the provost marshal were indicated. Those powers were stated to be regulated, as the hon. and gallant Member for Galway (Major Nolan) had said, by the rules of war and the usages of the Service. The first part of the clause made provision that—

"The general or other officer commanding the forces on active service shall cause the provost marshals to exercise the powers entrusted to them in such manner and under such circumstances as he may consider to be best calculated to prevent and instantly to repress offences injurious to the discipline of the forces under his command and to the public service. The duties of provost marshals shall be to take charge of persons confined for offences punishable under this Act, to preserve good order and discipline, to prevent the commission of offences by persons subject to military law belonging to the said forces, and to punish on the spot, or on the same day, those whom they may detect in the actual commission of any offence punishable under this Act which they may be instructed to repress."

It was quite true there was no express limitation of these powers, and it would be quite open to hon. Members, when they came to Clause 72, to propose to insert some limitation. But the present was not the time at which to propose a limit to the power of the provost marshal. If it was made at all, it ought to be made during the discussion of Clause 72.

Mr. CHAMBERLAIN said, of course, every hon. Member would feel that the statement of the hon. Gentleman opposite was thoroughly satisfactory as far as

his own personal inclination went; but, at the same time, the Committee would make a mistake, if it adopted the solution which was now proposed as an acceptable one. In fact, it would land them in very considerable difficulty hereafter. According to what the right hon. and gallant Gentleman had proposed, it was to be left to him to see if he could, on a subsequent stage of the Bill, bring up such a Schedule of offences as had been suggested by himself and had been recommended by the hon. and learned Member for Oxford (Sir William Harcourt). It must be remembered, however, that upon the Report the House would not have the opportunity which it enjoyed in Committee of examining the details of such a Schedule; and if this debate had taught them nothing else, it had certainly taught them the necessity and importance of considering a measure of this intricate character with all possible care. He was quite sure that the time which had been spent in discussing the offences for which flogging was to be inflicted would not be found to be wasted.

COLONEL STANLEY begged pardon for interrupting. He had used a wrong term. He, of course, did not mean to use the word "Report." The Schedule would be discussed when they came to the Schedule of the Bill.

MR. CHAMBERLAIN said, that was what he was going to propose; and if the right hon. and gallant Gentleman would agree to that, and would allow, in Sub-section 6 of Clause 44, after the word "lashes," the insertion of the words "and shall be subject to the provisions hereinafter mentioned," he would have done all that was necessary to meet the present difficulty and to satisfy the Committee. The conditions under which flogging should be inflicted would be more particularly discussed at another stage of the Bill.

COLONEL STANLEY said, he was afraid he was out of Order in proposing it; but what he would suggest would be that after the word "circumstances," in line 34, they should insert these words, "or for any other crimes than those specified in the Schedules." He thought that would meet the difficulty.

SIR ALEXANDER GORDON was anxious to point out that if Her Majesty's Government could see their way to accept the Amendment of the hon.

and gallant Member for Galway (Major Nolan), which occurred a few lines further down in the Paper, it would meet the views of hon. Members. ["No, no!"] Well, it would, at any rate, meet the views of a very large number of hon. Members on that side of the House. If the punishment of flogging were restricted for those offences for which death could be inflicted, it would obviate the necessity of a list of offences, and would confine the punishment to the most serious crimes. The provost marshal could not flog a soldier when he was under his own officers. It was only when he was straggling away from the Army and from military control—it was only when he was a camp-follower, in fact, that the provost marshal had the right to punish. ["No, no!"] Well, at any rate, he had no doubt he was correct in that statement, and the Committee ought not to run away with the idea that the soldier could be flogged by a provost marshal whenever he thought fit.

MR. ASSHETON CROSS said, that his right hon. and gallant Friend the Secretary of State for War had now said that he would specify in the Schedules those crimes for which flogging ought to be inflicted. What more did the Committee want? By inserting the words proposed after the word "circumstances," they had practically assured the result they desired.

SIR WILLIAM HARCOURT thought the assurance given was perfectly satisfactory. When they came to Sub-section 7, however, it should be made to read thus—

"Corporal punishment, in pursuance of this Act, may be inflicted on active service, or on board any ship not commissioned by Her Majesty under the conditions stated in the Schedule to this Act,"

leaving out the words "which punishment, or a greater punishment."

MR. O'CONNOR POWER thought, as they were to be called upon to divide before very long, it was necessary they should really know what they were going to divide about. The original proposition before the Committee was that moved by the hon. and learned Member for Stockport (Mr. Hopwood), which restricted the number of lashes to be inflicted. He wished to point out to the Committee, notwithstanding the many appeals which had been made to the

Secretary of State for War, that he had made no promise which indicated his willingness to make the slightest concession. It had been properly forced on his attention that if he could not consent to the restriction of the lashes to six, he might, at least, consent to their reduction to 25. When that suggestion was made, there was to all appearance a strong disposition among hon. Members below the Gangway not to vote for the original Motion, but to accept 25 lashes as a partial settlement of the question, and to regard that as a very fair triumph for the time. But, instead of having such a promise, they had a promise given them of a totally different character, and of a very ambiguous nature. Instead of being told that the number of lashes should be reduced, they were told that the infliction of them should be limited to offences specified in the Schedule. They did not know what offences those were. And as the right hon. and gallant Gentleman the Secretary of State for War had not told them what would be the limitation, or what would be the character of the Schedule, they were entirely in his hands. While he would strongly advise the withdrawal of the Amendment in favour of one reducing the lashes to 25, he submitted that it would be impossible for the hon. and learned Member for Stockport to enter into any agreement on terms of the kind now proposed, for they were very indefinite, and did not touch the real proposition at all. He, for one, saw no remedy for the condition in which they were now than to adjourn the whole subject until the right hon. and gallant Gentleman could come down and make a clear and definite statement on the whole matter. The further they went, the more they discovered their inability to discuss these clauses by themselves, because they were all so mixed up one with the other that each affected the other. He would respectfully suggest, in view of the different opinions expressed, and the different interpretations put upon this clause, that it would be better to withdraw it from the consideration of the Committee until the Government could come down with a clear Schedule.

Mr. ASSHETON CROSS hoped the Committee would come to a decision. The vast majority of the House accepted with entire approval the proposition of

his right hon. and gallant Friend. No one, of course, would ask the hon. and learned Member for Stockport to withdraw his Amendment, and he had never intended to suggest anything of the sort. What he wanted to suggest was that, the question having now been fully discussed, they should, at all events, take a Division on the maximum number of lashes. Those persons who had taken an interest in the discussion of the other question were quite content provided this Schedule were produced before the Bill left the Committee.

Mr. J. BROWN thought it would be much better they should divide at once on the number of lashes, as it was absurd to keep on talking in this way about the subject. The question whether it was to be a maximum of 25 was a much better issue to put before the Committee than six, the number proposed by the hon. and learned Member for Stockport.

Mr. HOPWOOD thought the House would give him credit, although he had spoken several times, for having also held his tongue a good deal. They were now in this position—that this was the third day they had devoted to discussing this question of corporal punishment, and it was evidently one which moved the House greatly. As the debate proceeded the ranks of those who supported him had thickened, and in that fact he found a justification for the extent to which he had dwelt upon this important question. He had moved to reduce the number of these lashes, because really they were guilty of hypocrisy in talking of inflicting 50 lashes upon the soldier when the number really was in fact 450. As, therefore, the Government had declared that 50 lashes were sufficient for the purpose, he thought they should let the number really be 50 lashes. The present instrument of torture, the use of which they were again called upon to sanction that day, had nine tails, which, multiplied by six, gave 54 lashes. He submitted it was most hypocritical to pretend to be more merciful than they really were. It had been suggested to him, however, that he should remove his Amendment in order to take that suggested by his hon. Friend (Mr. J. Brown). He did not like the use of corporal punishment at all in the Army; but still he was ready to give way, if his hon. Friend would undertake to press his

Amendment to a division—of course, on the understanding that he should be at liberty to press the other Amendments of which he had given Notice.

MR. JOHN BRIGHT: I have not taken any part in the discussion to this point, and I rise only to make an observation upon the course which the right hon. and gallant Gentleman opposite (Colonel Stanley) has taken upon the question of 50 or 25 lashes. I have always supposed that the punishment which a man suffers is not merely the bodily pain and anguish to which he is put, but that part of it is the discredit which is thrown upon him by the infliction of the punishment. Well, it is obvious that the infliction of 25 lashes will bring just as much discredit upon a man, and be to him as great a disgrace, as the infliction of 50 lashes. Then, we come to the question of pain. I believe there is no Member in this House who has undergone the punishment, although some hon. Members have been in prison. I believe I cannot appeal to anybody in the House as to his personal knowledge of this indignity; but I think it is always understood that it is the first few lashes that cause the greatest pain, and that after a certain, or rather an uncertain number, according to the nervous temperament and constitution of the prisoner, that the punishment becomes, so far as feeling goes, almost *nil*. If that be so, if you have a sufficient amount of odium cast upon a man by 25 lashes, and you give him the proportion of pain which 50 lashes would give him, surely it may fairly be argued that 25 lashes would be just as influential in the field, or anywhere else, to restrain men by the fear of it, or to punish them if they be guilty, as any larger number. We see that the barbarism of past times has been condemned. Fifty years ago—I think it was in the year 1832—the limitation of 50 lashes was introduced. May not we now go further, and limit still more the barbarism even of 50 years ago? I am not, happily for myself, connected with military affairs at all, except, indeed, so far as helping to pay a great deal of taxes; but, if I were a soldier, I should speak, I think, much more strongly than I do now, in condemnation of this punishment. It is, no doubt, wholly out of accord with our times. War itself is barbarous enough, but even Armies are less barbarous than they were

in times past; and surely a legislative and popular Assembly like this, feeling, as we must feel, that we should speak the sentiment and the feeling of the vast majority outside this House, must prevail upon the right hon. and gallant Gentleman to accept the Amendment of 25 lashes. If he should not consent, I hope the House will put a conclusive pressure upon him, and that he will find himself in a minority in the Lobby on the division. I shall vote most certainly and most anxiously in favour of the limitation which has been proposed.

MR. MACDONALD had listened to the debate with very great interest, because he was himself well acquainted with the effects of corporal punishment. They were asked to continue by this Bill in the hands of officers a power which they had held for centuries. They were to confer on persons of a certain class the same powers which their predecessors had held. The power, he would assert, had neither been used wisely or well, but positively in a brutal and unmanly manner. They, therefore, ought not to be intrusted with the power of flaying their fellow-men. A case in point came before his mind most forcibly. His father served in Her Majesty's Fleet, and distinguished himself at the taking of no less than seven Islands in the West Indies; but a drunken captain, in a moment of caprice, at 2 o'clock in the morning, because he was drunk, thought that his father had let the tiller fall upon his head. The hands were ordered up for punishment, although it was 2 o'clock in the morning; his father received seven dozen lashes on his back, and, to the hour of his death, the weals stood up thicker than his fingers. He did protest against this power being placed in the hands of any man. He protested against even 25 lashes; that number represented 225 cuts, and a skilful man could bring his lash to bear with such precision that every single cut told with unerring certainty. The right hon. and gallant Gentleman the Secretary of State for War had told them that a soldier liked this, and had produced a miserable instance of a single soldier who had preferred flogging to another sort of punishment. He ventured to say that no Minister had ever offered such a defence for so abominable and degrading a punishment. They were told that soldiers liked it. No doubt, as eels liked skinning. What

opportunity had the soldiers had of telling them their views about it. If they had met in their barracks, or out of them, to tell the House their views and to protest against the punishment, they would have got a dose of "cat" that would have kept them lively for weeks, and made them, if not wiser, at any rate suffering men. Had they met to vote for the lash in the Colonies, in the Settlements—in any of the great military depôts? the theory was too monstrous to conceive. It did not do credit to the head, the heart, or the humanity of the Secretary of State for War to make a statement of the kind. The punishment was a degrading one, and the power of inflicting it should never be placed in the hands of any man.

Mr. O'DONNELL was especially glad that a Member of the House, who was, in so practical a sense, a representative of the mass from whom the Army was recruited, had spoken, and spoken, too, in a manner so worthy of the obligation which he owed to his constituents. He, himself, was opposed, root and branch, to the infliction of flogging in the Army, whether inflicted by the provost marshal or by a court martial. He looked forward with hope to the time when the Army would be really a respectable Army; when men would not consider it a slur to have served Her Majesty in the ranks; and he believed that every limitation which the Committee placed upon the use of barbarous punishments would tend to force the authorities at the War Office so to improve the conditions of the Service as really to make the Army an Army of respectable citizens. At present, he would only refer to two points under discussion. He might say, in the first place, that, from personal information received from most trustworthy authorities, there was never a thing done or spoken in that House which would produce so evil an effect, or so rankling an effect, in Ireland, as the news that there had been constant flogging in the Connaught Rangers. Certainly he desired most strongly to support the Amendment of the hon. and learned Member for Stockport, when he protested against the composition of the British lash. On this subject he had received a letter that morning which, with the permission of the Committee, he would read. He did not know the writer; but,

Mr. Macdonald

still, he believed the letter was one which ought to be laid before the House. It was as follows:—

"Sir, seeing that Members of the House of Commons doubt the statements made as to the effects of the punishment of the lash, I will give you my experience of it. Thirty-five years ago I belonged to the 7th [Queen's Own] Hussars, and at the time I bore a good character."

Now, that statement must impress upon hon. Members the demoralization that was produced by the lash once inflicted even in the lightest possible manner.

"My crime was calling out 'hullo' in answer to a sergeant who called my name. I was warned for a court martial, tried, sentenced, punished, and in hospital in less than two hours."

The name of the colonel was given in this letter, but he (Mr. O'Donnell) did not think it was necessary to state it in that House; for, clearly, the colonel was one of those martinets who were daily becoming more scarce in the Army as civilization proceeded. This man was sentenced by his colonel, who was at once judge and prosecutor, to 100 lashes—that being, as the hon. and learned Member for Stockport had correctly pointed out, not 100, but 900 lashes. This happened in the year 1846, and the writer, detailing what had occurred, continued—

"My boots were filled with blood. The marks are still to be seen on my back and neck. My back is often aching, and where the cords of the cat cut I can get no rest; so that I have been, in reality, punished for 33 years by a bad tempered colonel, and that for no crime. I am now nearly 60 years, and I suppose I shall suffer to my death."

The writer had given him (Mr. O'Donnell) his name, but he did not think it necessary to repeat it. The man served in the C troop of the Queen's Hussars, and the letter was open privately to the inspection of any Member of the Committee who desired to see it. The hon. and learned Member for Stockport had, indeed, done good service, when he pointed out the cruel mockery of taking the 50 lashes inflicted as 50 lashes only, when really there were nine cuts inflicted by every blow of the lash.

Mr. BIGGAR was of opinion that the hon. and learned Gentleman the Member for Stockport had made a mistake in withdrawing his Motion to reduce the number of lashes to six, merely for the sake of getting a rather larger ma-

jority in favour of the Motion to reduce the number of lashes to 25. In his opinion, he would have done much better to have stood by his first proposal; for, even as a matter of tactics, it was injudicious to withdraw the Amendment. After all, the final authority which must decide this question was not the House of Commons, but the people of England; and the question they had to consider was, whether or not they would submit to return Members who had voted in favour of this outrageous and degrading punishment. The Army was drawn from a class of people from whom a large proportion of the electors was also drawn, and to them must be left the decision of the question. They had certainly not had the advantage of very much argument in favour of this proposition. So far as he could recollect, the front Government Bench had not contributed anything in the shape of argument in support of the principle of flogging, but simply stated, in general terms, that they believed it was advisable that the system should continue. But if they had heard nothing of argument from the front Treasury Bench, they had listened to some arguments from independent Members; and, certainly, from one of them he should never have expected to have heard a word in support of such a system—he meant the hon. Member for North Warwickshire (Mr. Newdegate). That hon. Gentleman argued very strongly in favour of flogging; but the illustration he quoted was a most unfortunate one. The troops in South Africa, they had already heard, were killing the wounded in the field, and smoking the savages out of caves; but the hon. Gentleman seemed to forget that the men who did this were under the control and protection of their officers—the same men who, were they on a court martial, would be parties to inflicting the punishment of flogging upon them. If, then, this punishment was to be continued, he should be disposed to argue that the officers, equally with the men, should be liable to it. The correspondent of *The Evening Standard* at the Cape had made a long statement as to the flogging which was going on there, from which it appeared that it was even inflicted for offences arising out of drunkenness, if not for drunkenness itself. The hon. and gallant Member for Sunderland (Sir Henry

Havelock) had twitted the hon. and learned Member for Stockport (Mr. Hopwood) with his ignorance on this subject, and had declared that this punishment, which was exceedingly rare, could only be inflicted by a court martial. As a matter of fact, it was quite the other way; they had the testimony of the hon. and gallant Member for Galway (Major Nolan), that this punishment was very often inflicted for the most trivial offences.

Mr. MONK wished to say a word or two before the Amendment was withdrawn. The hon. Member for Horsham (Mr. J. Brown) had suggested 25 lashes instead of six, as proposed by the hon. and learned Member for Stockport; but he was afraid, from the language used by the right hon. and gallant Gentleman the Secretary of State for War, that he would not accept the Amendment. At any rate, there was no intimation on the part of the Government that they would accept any lower number of lashes than 50. That being so, it would be very undesirable that his hon. and learned Friend the Member for Stockport should withdraw his Amendment. There were many Members on that side of the House who considered this punishment of flogging was utterly repugnant and utterly unworthy of the British Army. Therefore, he hoped he would not withdraw his Amendment, and that he would do his best to limit the number of lashes. Unless they heard from the Treasury Bench that the Government were willing to reduce the number from 50 to 25, he hoped his hon. and learned Friend would not withdraw.

Mr. SHERIDAN thought, if the Government would adopt 25 instead of 50 lashes that some progress might be made; as he gathered from what had been said by his hon. Friends sitting round him that such an Amendment would be accepted on that side of the House as a settlement of the question for this Session. In the event, however, of that Amendment not being accepted, he understood his hon. and learned Friend would not be satisfied by merely taking one division on the subject.

Mr. CALLAN said, some few days ago the Home Secretary informed them that he had placed in the Library, for the information of Members, some specimens of diseased salmon. It would tend very much to the elucidation of this serious

calculation about nine times six, if the War Office would place in the Library some specimens of this cat with nine tails. It was very unfair, as he thought, to ask Members to withdraw a Motion as to flogging until they had before them some specimens of the cat. There was a Society in England, of which the hon. Member for North Warwickshire (Mr. Newdegate) was a distinguished ornament—the Protestant Alliance—and the other morning he received from it a series of illustrations of the implements of torture employed by the Jesuits, and among them was a cat for flogging. That, however, was a cat with only three tails.

MR. NEWDEGATE begged pardon for interrupting; but he wished to inform the hon. Member that he did not belong to the Protestant Alliance.

MR. CALLAN replied, that if the hon. Member was not a member of that Society he ought to be, for it was a highly respectable body, composed of persons of extreme views. The cat, shown in those woodcuts he had referred to, had three tails, with a number of pellets on each, and it was said to be used in the unfortunate monastic institutions of this country. He, for one, would not consent to the withdrawal of the Amendment. He objected to lay a single lash on the back of the British soldier. They did not flog men for beating their wives, and yet they proposed to submit a soldier, at the decision of a military tribunal, to this degrading punishment.

MR. HOPWOOD, in asking the permission of the Committee to withdraw his Amendment, wished to read again the letter quoted by his hon. Friend (Mr. O'Donnell), in order to make a correction of the letter. This punishment was given in 1846, and the man now wrote—

"My boots were filled with blood. The marks are still to be seen on my back and neck. My back is all breaking out where the knots of the cat cut, and I can get no rest; so that I have been punished for 33 years by a hot-tempered colonel, and that for no crime."

The time was past for an act so arbitrary as that. He wished to withdraw his Amendment, in deference to the proposition pressed upon him by a number of his Friends. He would ask those who had been supporting him to yield. He urged the hon. Member for Gloucester

Mr. Callan

and other hon. Members to let him do so, because he had still other Amendments upon which this struggle could be renewed. They had fought this battle together, and he asked them now to let him withdraw his Amendment, on the understanding that he would proceed with his other Amendments, and ask them to assist him in fighting them.

MR. SULLIVAN earnestly appealed to the Government not to press the matter on without taking notice of the feeling which had been expressed by hon. Members. He shared with the hon. Member for Gloucester (Mr. Monk) his sentiment of horror and aversion for this brutality; and he put it, upon those strong observations made by the hon. Member, that the Government ought to see that there existed a deep and conscientious horror at this punishment. In the matter of the lash they were dealing with no ordinary question of legislation, but with a matter which touched every man of conscience. He put it to the hon. Member for Gloucester to defer to the discretion and guidance of the hon. and learned Member for Stockport, who, he believed, had that day gained a great victory for humanity. He (Mr. Sullivan) had the honour of standing opposed to this punishment when friends were few, and when endeavours to do away with it were characterized as obstruction. But they were vindicated that day by many hon. Gentlemen who, to their credit be it told, had said there had been a great grievance. He had a strong aversion to any number of lashes whatever; but he asked his hon. Friends to offer no opposition to the withdrawal of the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood), whose work that day would long be remembered by his countrymen.

Amendment, by leave, *withdrawn*.

MR. J. BROWN moved, in page 19, line 27, to leave out "fifty," and insert "twenty-five."

MR. SULLIVAN could not agree that the right hon. Gentlemen whom he saw before him would allow officialism to make torpid their high personal sense of responsibility. He appealed to them, as individuals, not to allow their official character to blind them to the position in which they stood with regard to this question. The Committee had listened to the words of the right hon. Gentle-

man the Member for Birmingham (Mr. John Bright), who had advanced to the Table a short time ago. If he (Mr. Sullivan) might say anything in the nature of a compliment to him after his long years of service to his country, he would say that he never interposed in a public debate more creditably to his public character than upon that occasion. Twenty-five lashes were surely enough; what defence could possibly be made for retaining 50 as against 25? The defence that would be attempted was, he supposed, that they could not do without that number. That had been the defence used for 1,000 lashes, and for 500 lashes; and it was, moreover, the defence which had obstructed the humane efforts of the man who brought the number down to 50. He felt it would be less than human not to make an effort to push still further this reform. He appealed to the Chancellor of the Exchequer, and said, upon this matter of 25 lashes, that, as it was to the credit of this Government to bring the punishment down from 100 lashes to 50, he hoped the right hon. Gentleman would be the man to push that great reform still further in the direction of humanity, and say that 25 lashes would be amply sufficient to preserve discipline.

COLONEL MURE thought the Government should agree to the Amendment proposed by the hon. Member for Horsham (Mr. J. Brown). Fifty lashes were, in his opinion, too many, and were apt to make a man ill. He did not think that flogging could be done away with entirely; but the time had, in his opinion, arrived for its further reduction.

THE MARQUESS OF HARTINGTON: I venture, also, to appeal to the Government. I would ask them very seriously to consider the position in which they stand, and will stand, if they resolve to reject this Amendment. During a great part of the discussion I admit I have not been present, and I, therefore, have no intention of entering again into arguments which have formerly been stated upon one side and the other as to the maximum number of lashes which is necessary to be given. But I say, first, that I have been, in common with a very large number of Members on both sides of the House, very much struck with what has fallen from my right hon. Friend the Member for Birmingham (Mr. John Bright). No

one of us can doubt that, as to the degradation of punishment, it exists to the same extent, whether the number is 25 or 50. As to the pain, also, there can be but very little difference. What I wish the Government to consider is, how they stand in relation to the progress of this Bill by adhering to the number of 50 lashes, which it specifies. This question has been discussed at very great length; and it must be evident to the Government that if they refuse to take the compromise that is now suggested, the matter will not be disposed of at this Sitting. Now, I should be the very last to ask the Government to give way to any proposition based upon any unworthy motive, or instituted simply for the purpose of retarding or obstructing the Public Business; but the Government must very clearly see by this time that there does exist amongst the Members of the House a very strong, vehement, and honest feeling that the number of lashes inflicted in corporal punishment should not be so great as is proposed by the clause. The Government, I think, would be wise not to disregard that strong feeling, considering how it has been manifested, and to accept the proposed Amendment which, I believe, offers the only chance they will have of making the progress with this measure which we all desire. I hope they will not determine to persevere in a course which is unnecessary, and which must cause great delay in the progress of the Bill.

MR. MILBANK was old enough to remember men getting 100, 200, and 300 lashes, and had himself seen their backs cut to a jelly:—he had seen, not only the blood but the flesh fly off their backs. It was the practice in the Army to exercise 10 or 12 drummer-boys in the art of drumming for two days before the flogging took place; this could not but be degrading to the Army. In the Cavalry regiments the farrier majors did the flogging. He had seen 100 lashes given to a man, who took them without wincing; another man would faint very soon, and water would be given him from a sponge, for he would have no power to drink. He thought that flogging in the Army ought to be done away with.

MR. HERMON rose for the purpose of adding his voice in favour of the appeal made to the Government. He could not help thinking that the extreme

punishment of 25 lashes would never be administered. At the same time, it appeared to him that that number would be sufficient for the enforcement of discipline. After the appeal which had been made from both sides of the House, he trusted the Government would give way. He did not urge this upon the score of saving time, but upon a principle of humanity, for he felt quite certain that flogging was sufficient to ruin a man for life.

COLONEL ALEXANDER desired, also, to join in the appeal to the Government to assent to the proposed Amendment. He agreed with the view expressed by the hon. and gallant Member for Renfrewshire (Colonel Mure) that 25 lashes were really quite sufficient, for when a soldier was on service he was disqualified for duty by receiving 50 lashes. Even taking it upon that low ground, it was very important that the number should be reduced. With regard to the severity of the punishment, there was very little feeling or sense after the first few lashes.

COLONEL STANLEY trusted the Committee would allow him, very briefly, to interpose. He could not help feeling that the position in which he was placed was one of some difficulty. On one side, he stood with very little experience, as the Representative of a Department over which he had the honour to preside, in a matter which concerned the interest of a Service spread over all parts of the globe, under circumstances of discipline which were not analogous to those in any other country. On the other hand, he did not wish to shelter himself behind the opinions of anyone. But he was bound, nevertheless, to consider and weigh the opinions of those who, from their position, authority, or experience, were cognizant of the necessities of the Army, and were best able to give advice in matters of discipline. Owing to the consideration of which he had spoken, he had hesitated long to assent to any alteration in this punishment, because he felt that the only alternative for the maintenance of discipline would be to fall back upon the severer systems known to other countries; but when officers, like the hon. and gallant Members for Renfrewshire (Colonel Mure) and Ayrshire (Colonel Alexander), who had served in various countries in the world, declared that 25 lashes would be as

effectual as the 50 proposed in the clause, he could not but feel that, supported by their opinion, there was room for the exercise of further judgment and consideration. He had never been one of those who had left out of sight that the military law of this country, though in some respects based upon usage, had, in later years, as had been distinctly pointed out, been held to be guided by statutory powers. He did not think, having said this much, that it would be right on his part to avoid noticing the evident pre-disposition of the House in favour of a reduction of this punishment. He hoped the House would understand that it was not a personal matter. He had briefly stated why he considered it his duty not lightly to give way to an Amendment which, to his mind, would perhaps in some cases make the punishment of so little effect as to render it necessary to substitute another of greater severity; but he felt, after the discussion which had taken place, after considering the quarters from which opposition had arrived, and being greatly influenced by the opinion of the hon. and gallant Member for Ayrshire—who, he believed, was not alone on his side of the House in the view which he took of the question—that he ought to assent, however tardily, to the evident judgment of the Committee. Therefore, without asking the Committee to go to the trouble of a division, he would assent to the reduction of the number of lashes to 25.

Amendment agreed to.

MR. HOPWOOD said, the Committee would remember that in agreeing to the withdrawal of his last Amendment he had carefully guarded himself against being supposed to retreat from the position which he had assumed with regard to this matter; because he felt that this was due to those around him who entertained with him an absolute, determined, and resolute hatred to this punishment in every shape and form. He still wanted that which he called the hypocrisy of the clause done away with. When the Committee said 25 lashes, it did not mean nine times 25 stripes. If any hon. Member would calculate the number of stripes that would be given by 25 lashes of the cat, he would see for himself that it was a gross and excessive punishment. He would therefore move, in

Mr. Hermon

page 19, line 28, to leave out the word "lashes," and insert the word "stripes."

Amendment proposed,

In page 19, line 28, to leave out the word "lashes," and insert the word "stripes."—(Mr. Hopwood.)

Question put, "That the word 'lashes' stand part of the Clause."

The Committee *divided*:—Ayes 219; Noes 102: Majority 117.—(Div. List, No. 121.)

MR. HOPWOOD said, the Committee would not be surprised to find that he proposed to proceed with the next Amendment standing in his name—to insert, in page 19, line 28, after the word "lashes," as now confirmed by the House, the words—

"With an instrument or whip of not more than one thong or tail, of a pattern to be submitted to Parliament."

He wanted still to urge upon the Committee that they ought to do away with the hypocrisy of saying they wanted 225 lashes, when they meant only 25. He could not too often impress upon the Committee that such hypocrisy amounted to falsehood in law, and that a falsehood would be put through our Statute Book unless his Amendment was adopted. He had been reminded the other day by the right hon. and gallant Gentleman that one might make a whip of one thong or tail so cruelly brutal in its effects as to deceive and disappoint his (Mr. Hopwood's) expectations after the passing of a law which defined the lashes to be inflicted by "a whip of one thong or tail." It was perfectly true that a whip might be made—as was the case in the Island of Jamaica—of pianoforte wire; but when once they entered upon this path of endeavouring to repress crime by cruelty, there was no limit to the demands which were made upon their ingenuity. There was, although the right hon. and gallant Gentleman might not be aware of the fact, a precedent for the suggestion of having a sealed pattern of the instrument of torture submitted to Parliament, which occurred in the Naval Department under the late First Lord of the Admiralty, where it now remained, for the prevention of the vagaries of private cruelty in the manufacture of the instrument of severity. He, therefore, moved his Amendment; and if there was any difficulty as to the manner in which the

instrument should be submitted to Parliament, it could be settled later on; but the Committee, he thought, should at least pass the words directed against the ingenious inventions of cruelly-disposed persons.

Amendment proposed,

After the word "lashes," to insert the words "with instrument or whip of not more than one thong or tail, of a pattern to be submitted to Parliament."—(Mr. Hopwood.)

Question proposed, "That those words be there inserted."

COLONEL STANLEY said, he had already explained that the words proposed to be added were entirely unnecessary, and might lead to a misapprehension which would entirely defeat the object of the hon. and learned Member for Stockport. He had communicated with the Home Office and with the Admiralty on this subject, and understood that, in regard to the instrument of discipline which was used in prisons and on board ship, there were sealed patterns. He had himself in the same manner offered to seal a pattern, but did not propose to place it anywhere in the House.

Mr. A. H. BROWN hoped the hon. and learned Member would not press his Amendment, and suggested that the effect of an instrument which would concentrate the force now spread over nine lashes into one would be far more painful, and certainly more dangerous.

LORD ELCHO said, he had listened very carefully to the discussion which had taken place on that occasion. His sympathies were strongly in favour of the speech made by the hon. Member for Birmingham (Mr. Chamberlain) who, he was very glad, had succeeded in inducing the Government to schedule the crimes for which this punishment might be inflicted. He was also glad that the Government had yielded to the evidently strong feeling which existed in the House in favour of reducing the number of lashes to 25; but the Amendment now proposed to the Committee by the hon. and learned Member, who in this matter of reducing the punishment had the House really with him, was, he could not help feeling, a *reductio ad absurdum*. The hon. and learned Member for Stockport would, in his opinion, do well to be content with his victory, and not throw away its fruits, as he was in a great mea-

sure doing. Let him, if he chose, on another occasion, try to improve his victory by proposing the entire abolition of the punishment of flogging; but, in following up his present line, he was making the whole thing ridiculous; and he (Lord Elcho) would suggest that the hon. and learned Gentleman, in order to carry out his view of what the kind of "cat" ought to be, should get the word "Manx" inserted before "cat," because Manx cats, it was notorious, had no tails at all.

MR. PARNELL said, the Amendment was not so much a *reductio ad absurdum* as the noble Lord (Lord Elcho) seemed to think. The reason why the First Lord of the Admiralty had promised that a sealed pattern of the "cat" should be kept in his Department was, that it had been pointed out to him by the noble Lord the Member for Clare (Lord Francis Conyngham), who had been at sea, that two descriptions of cats were in use in the Navy, and that one of these was of a very severe nature, indeed. The other "cat" was much less severe in its effects. He would like to know what description of "cat" had been adopted by the Admiralty and the Home Office? The Committee had a right to know what pattern the Secretary of State for War proposed to adopt, because he might select a very severe instrument in ignorance. There was a great point in this; as punishment might be made very much more severe by adopting the "cat" now used for flogging thieves and men convicted of disgraceful offences.

MR. MITCHELL HENRY said, his hon. Friend (Mr. Parnell) was quite right in asking whether the "cat" to be used in the Army was the same as that employed in the civil prisons and in the Navy? The House and the country were entitled to know if that was so or not. The cat consisted really of three elements—first, there was the handle. ["Oh, oh!"] Who said "Oh?" [An hon. MEMBER: I did.] He (Mr. Mitchell Henry) wished the hon. Member who said "Oh!" had something to say "Oh!" for. The cat consisted of the handle, the lashes, and the knots upon the lashes. According to the length of the handle, the material or lashes, and the number of knots, was the severity of the punishment to be measured. A much more severe punishment could be inflicted by a cat of a greater length than that which was in ordinary use. He believed that in the

prisons of this country there was a standard laid down. The handle had to be of a certain length, the lashes made of a certain material, and to have upon them a certain number of knots. It might seem to hon. Members rather an absurd thing to enter into these details; but when the Jamaica Mutiny was put down a few years ago what was the cat that was used there? It was recorded in the Blue Books of the House that the cat used there was made of piano wires. Could the Government suppose that when they were settling this painful subject once for all it was to be left entirely at the option of the colonel of a regiment to select any kind of cat he pleased? The cat employed in the civil prisons of this country had frequently been described in recent years by the reporters of the principal newspapers who had witnessed the punishment of garotters; and the details, though disagreeable enough, were not of a character that seemed to show that the punishment was more severe than it ought to be, if it was to be retained at all. He apprehended that they would all be satisfied if the Secretary of State for War would give them an assurance that the instrument to be employed would be similar to that in use in the civil prisons of the country.

THE MARQUESS OF HARTINGTON said, it was not desirable that the House should too much usurp the functions of the Executive Government by attempting to regulate such details as they were now asked to consider. He hoped it would not go forth to the country that the sympathies of the House were entirely on the side of criminals in the Army. If the Committee could not trust the Government to regulate the form and size of the "cat-o'-nine tails," how were they to be trusted to provide for the clothing and arming of our troops, and for the health and comfort of men who had committed no offence at all? It would be just as reasonable to ask for sealed patterns of everything in use in the Army. It appeared to him that the right hon. and gallant Gentleman the Secretary of State for War had done all that it was in his power to do. He had promised that there should be a sealed pattern; and it would not be fair to presume that the authorities at the War Office would make that one of unnecessary severity. If it should be so, the pattern would be accessible to inspection, and the fact con-

Lord Elcho

cerning it could be easily ascertained; and he, therefore, suggested that the proper time to bring the subject forward was on the Army Estimates, and not at the present time.

MR. HOPWOOD said, that anything which fell from the noble Marquess would always have great weight with him; but he could not help thinking that on the present occasion the noble Lord had misconceived the precise bearing of the question and the meaning of his (Mr. Hopwood's) remarks upon it. He did not care so much for the submission of the thing to Parliament; so that if the right hon. and gallant Gentleman would agree that the instrument to be used for flogging purposes should only have one thong, and be made according to a sealed pattern, he would withdraw his Amendment; but he objected to the number of lashes to which a man was sentenced being multiplied by nine, or any other number of thongs, which might be attached to the handle of the whip. It was not possible to let this proposal pass in its present abominable shape—a shape which embodied a lie promulgated by the Parliament of this country, and inflicting upon its gallant Army the liability to a shameful punishment.

MR. O'DONNELL said, it was perfectly true, as had been stated, that this was a question of detail; but it was not fair to object to the course which had been taken on that ground, because the Committee had been fighting on a point of detail during the whole day, and had just changed the intentions of Her Majesty's Government. It was not sufficient to leave these matters in the hands of the Executive Government; because it was one of the essential functions of the whole House and of its Committees to criticize the actions of the Executive, and to see that such Government conformed to the intentions of the Legislature. The detail now before the Committee was as to the nature of the instrument to be employed in flogging the soldiers forming the British Army; and, as far as he was personally concerned, he should be glad to get rid of the questions of detail by getting rid of the flogging altogether; for, in his view, no man who was capable of an offence justifying so degrading a punishment was fit to carry arms in the Forces of Her Majesty. There ought to be no

floggees in the Army; but as long as there were, he should maintain his right to discuss questions of detail as to the nature of the instrument to be used, and further to be informed on the point. The remarkable letter which he read a little time back also referred to a matter of detail; but it was a matter of the utmost importance to the writer of the letter, a soldier 60 years of age, who stated that during 33 years he bore, in a shattered constitution and aching frame, the consequences of a ruthless flogging inflicted upon him for one crime; and he laid especial stress upon the point that the knots on the cat-o'-nine-tails had so eaten into his flesh that his back was continually breaking out at the places where the knots had hit him. He therefore ventured to submit that a lash with knots upon it was not a *bond fide* lash, but an instrument calculated to inflict not only stripes, but punctured wounds in addition. If it was not beneath the dignity of the House to consider the question of flogging the defenders of the country, it could not be beneath its dignity to consider the character of the instrument with which the discipline was to be inflicted.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the Committee would agree to divide at once upon this question, which had been very fully discussed. He was unwilling to believe there was any intention to talk out the matter. One important point in connection with the Bill had been settled to the general satisfaction of the Committee; and if this question was settled also, some progress, though not much, would have been made with the measure.

MR. PARNELL hoped it would not be necessary for the Committee to divide at all, as he thought the right hon. and gallant Gentleman the Secretary of State for War had misunderstood the nature of the Amendment, which had only been proposed for the purpose of eliciting information as to whether in future the cat at present in use was to be used. If the right hon. and gallant Gentleman did not know let him say so, and the question could be brought up again on the Army Estimates.

COLONEL STANLEY said, he did not know whether the Army cat was more severe in its punishment than that used in prisons; but he did know that the same cat was used generally in the

Army, and he proposed to leave the matter in its present state.

MR. BIGGAR could not accept the suggestion of the noble Lord the Member for the Radnor Burghs (the Marquess of Hartington), that this was a matter which could be well left in the hands of the Executive Government. The House, having been unfortunate in leaving several important matters connected with prison discipline in the hands of the Executive, had a right to give instructions as to what should be done as far as this matter was concerned.

Question put.

The Committee *divided*:—Ayes 54; Noes 164: Majority 110.—(Div. List, No. 122.)

And it being ten minutes before Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

MOTION.

COUNCIL OF INDIA.

MOTION FOR PAPERS.

SIR WILLIAM HARCOURT, in rising to call attention to the manner in which the design of Parliament in providing a Council both in India and in England, composed of men of experience in Indian affairs as advisers and checks upon the Executive, particularly in matters of finance, has been evaded and defeated by the action of the Viceroy and the Secretary of State; and to move—

“An Address for Copies of the Minute by Members of the Council of the Governor General of India on the Despatch of the Secretary of State, dated the 11th day of November 1875, and referred to in the Despatch of the Government of India, dated the 17th day of March 1876; and, of all communications which have passed between the Secretary of State for India and the Government of India, or the Governor General, relating to the repeal of the Cotton Duties (in continuation of the Papers presented to Parliament in 1876);”

said, that the Government of India was, perforce, a despotic Government. That

Colonel Stanley

was a fact which we might regret, but which we were obliged to accept. We had been unable to give to India the inestimable boon of self-government and representative institutions; but if our government of that country should ever result in our being able to give its people that boon, our government would reach its legitimate end. Meanwhile, there was no doubt whatever that the central authority which governed India must be supreme, and he should not, in his observations, therefore, say anything which would contravene that position. It was indispensable that the English government of India should be an absolute government; but it would not, he thought, be consistent with the sentiments, the sympathies, and the traditions of the English people or Parliament, if they were to allow that absolute government to be unrestricted and uncontrolled. No man had as yet been created who was fit to exercise uncontrolled power over 200,000,000 of his fellow-creatures. That being so, England had to solve the great problem of reconciling the necessity of a supreme power with such checks as should restrain the faults which must always gather round a despotism. England had, consequently, given to India a Constitution which, though much inferior to our own, would, if fairly worked, present checks against the abuse of the supreme authority of the central power. What he wanted to ask the House was, whether the restraints provided by the Constitution upon the absolute despotic government of India had been fairly dealt with and honestly accepted? He was sorry to say that public opinion had failed to exercise much control over the supreme central authority in India. The English Parliament had, up to a recent date, been too much occupied with other matters, which were not, perhaps, of the same magnitude as the government of India. He felt bound to say that the history of Parliament in reference to its duties to India was not creditable to the Legislature. The object of the English people was that the blast of despotism should be tempered to the shorn lamb of the subject-race; and during the time of the old East India Company, Parliament had a sufficient guarantee that that would take place. The Charters of that Company had to be renewed at intervals, and, on such occasions, opportunities were afforded to de-

cide whether India was being properly governed; but since the government of India had passed into the hands of the Crown, the set opportunities which previously existed for reviewing the nature of our Indian responsibilities had unhappily disappeared, and we had now to depend entirely on public opinion as expressed in the House, and according to the chance opportunity which might be afforded. He thought, however, that now there were indications that Parliament had shaken off its lethargy with respect to the affairs of our Eastern Empire. He could not forbear at this point of his remarks from paying a tribute of praise to his hon. Friend the Member for Hackney (Mr. Fawcett), who, triumphing over natural infirmities, had, by his indefatigable industry and noble tenacity, induced public opinion at last to concern itself with India. Notwithstanding the exertions of his hon. Friend, however, he feared there was a growing tendency to set aside the checks placed upon the increasing despotism of England in the government of India. He had put upon the Paper no Party Motion—no censure upon Her Majesty's Government. The issues were far too important to be made the sport of a Party debate. He would, therefore, accept from them any reply they chose to make to it, except the *tu quoque* argument. If Liberal Viceroy had transgressed, let them be condemned as well as Conservative Viceroy, and let them do that, rather than allow the principles of the Indian Constitution to go by the board. What, he would ask, was the Constitution of India? It was this—the Secretary of State was the final depository of power over India. That must be so, and it ought to be so. If they desired that the English Parliament should have the supreme rule over India, the responsible Minister for that rule must sit in Parliament, or otherwise he could not be controlled by Parliament. But the House of Commons had neither the time nor the knowledge to exercise the control which was desired, and from time to time they had new men undertaking the work. When Lord Cranbrook, for whom he had the greatest respect, for instance, became Secretary of State for India, he knew just as much about our Indian Empire as any other well-educated English gentleman knew about it. The Governor General of India was in precisely the same position, and

the Secretary of State was expected to act as a brake or check upon the Government of India. Therefore it was that Parliament most wisely established, as a control upon the Secretary of State in England, the Council of India—a body of intelligent, impartial, and experienced men, of about the same number as the ordinary Cabinet of England. That number—15—could not be said to be too large, when they considered the variety of interests there were to deal with. Practically speaking, the Secretary of State for India was obliged, in every communication which he made to India, to submit it to the Council, or lay the communication open for their perusal; but he was not bound by their opinion, even if it were that of the majority; in which case his opinion for differing from them must be recorded, except in the case of inquiry, when he need not wait for their opinion to be reconsidered. In all other matters, he was bound to communicate what he sent to India to his Council, and they had the right to make their Minutes on those communications, and, in that manner, be a check on the action of the Secretary of State for India. There was, however, one exception from that rule—and it had reference to matters which used to go through what was called “the Secret Committee.” Such matters were not submitted to the Council; but, by the Act of 1858, they were limited to the levying of war, the making of peace, the entering into engagements with the Native Princes, and other matters of urgent and Imperial concern. He knew that there were persons who carried the authority of the Council higher than that, and held that it had an absolute veto on the whole action of the Secretary of State, and they were the principal Members of Her Majesty's present Administration. They had the high authority of the present Lord Derby, in words which he uttered when Lord Stanley, for the opinion that if, in any other matters, the Secretary of State acted solely upon his own authority, he would be guilty of a gross violation of the meaning and intention of the Act. Clause 41 of the Act of 1858 distinctly laid it down, that the Secretary of State for India should not do any act involving expenditure without the concurrence of a majority of his Council. When the question came under discussion in 1869, Lord Salisbury

expressed it as his opinion that the Secretary of State had no power to oblige the Government of India to spend a farthing without the sanction of a majority of his Council; and Lord Cairns, who took a similar view, when asked by the Duke of Argyll, as a test question, "Do you mean to say the Secretary of State could not order a war in Afghanistan without the consent of his Council?" replied, "Certainly not." Without going so far as Lord Salisbury or Lord Cairns, he (Sir William Harcourt) contended that the Council ought to have a power of protest, or remonstrance—not a mere legal veto, but a moral influence, on the actions of the Secretary of State, which was not to be easily stifled by that official. It was only in that way they could call the attention of Parliament to what they might regard as a mischievous policy; and he ventured to say, in the words of Lord Stanley, who introduced the Act of 1858, that any Secretary of State or any Viceroy who evaded or defeated the checks established by that Act abused the power intrusted to him and violated the spirit of the Constitution of 1858. That important personage might overrule the Council in ordinary affairs; but if he did, his conduct would have to be judged by Parliament, who had a right to call for the opinions of his Council on those questions, and to the protest of the Council calling the attention of the Parliament to the seriousness of the question. He contended that the Secretary of State could take, in fact, no action in communicating to the Government of India, which was to have a practical effect, unless he first brought the fact to the knowledge of his Council for their opinion. He was aware that Papers had been laid on the Table, which were intended to introduce the *tu quoque* argument in regard to the Duke of Argyll; but, in the first place, he was not bound by the acts of the noble Duke; and, in the second place, he was very careful that he did not interfere with the final decision. It was perfectly clear, from the words of the statute, that every order should be submitted to the Council, or deposited in the Council Chamber for at least seven days. That check had been disturbed by the Secretary of State for India in England. The power of the Governor General was even more limited, for it had a double check. The English

Parliament constituted him an English statesman, and never intended him to be an Eastern Satrap, surrounded by janisaries and advised by eunuchs. There was, in fact, no such person known to the law as an absolute Governor General; the proper title of the Governor General, so far as he had any authority to do anything in India under the Queen, was the "Governor General in Council." Now, that being so, he wished to know how it came that in the Afghan Papers there were occasional despatches addressed to the "Governor General," as distinct, apparently, from the "Governor General in Council?" With regard to the action of the Governor General in India, in all matters of foreign policy, as well as domestic policy, he acted with his Council; he had no general power to pass over the opinion of his Council. Any Member who dissented might record his dissent; and if the majority dissented, he was obliged, under the Act of 1870, to overrule his Council. Now, the overruling of his Council was a serious act on the part of the Governor General. This power originated in the time of Lord Cornwallis, who desired to exercise it under certain circumstances. There was a later Act, the language of which was more condensed, but the object and intention of which were precisely the same. The 5th clause of the Act of 1870 provided that, when the safety and tranquillity of the British Possessions were essentially affected, the Governor General might overrule his Council. That was a just and necessary power, to be used only in exceptional cases, as everything depended upon the manner in which the power was exercised; and Lord Stanley had pointed out that if it were abused the spirit of the Constitution would be violated. Besides the Executive, there was the Legislative Council, which was a larger body; and it had been carefully provided that a number of non-official Members, more or less representing independent Indian opinion, should be placed on the Legislative Council. It was important to observe that there was one principle admitted by, he believed, every Secretary of State and assented to by Lord Salisbury in 1876, and it was that, as a general and almost unvarying rule, the initiative in Indian measures, and particularly measures of finance, should belong to the Indian Council and the

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Governors General in Council ; that they should not be dictated from the outside, but that they should come from those who were most likely to be informed about the interests of India. This was necessary for two purposes—to maintain the authority of the Government of India in India, and to maintain the confidence of the people in that Government. In 1874, Lord Salisbury modified the rule by requiring the Government of India to communicate its measures to the Government at home before they were passed and completed ; and to that he (Sir William Harcourt) made no objection as far as it went ; but, in 1875, measures were taken which, rightly or wrongly, in the opinion of both the Legislative and the Executive Councils, assumed the form of dictation as to the course they were to pursue and the measures they were to pass, and the despatch of the 11th of November, 1875, for which he moved, expressed the sentiments of the Governor General in Council on the subject of that interference. The Constitution of India was one which, while it reserved the force of the central authority, provided checks that were to be fairly worked ; and if those checks were set aside, nothing was left but the purest and most undiluted despotism. The practical question for the House and the Government was—Had those checks been fairly worked ? If the Government, with more complete information than he could have, could establish the affirmative, no one would be more pleased than himself ; but he had come to the conclusion that these checks had been set aside, and were being more and more set aside every day. There were three principal examples which affected the whole framework of Indian government in every Department of Government—namely, the Afghan War, the Vernacular Press Act, and the remission of the Cotton Duties. As regarded the first, it was strange that the Afghan War was made without consulting the Council of India at all, or letting them know anything about it, and made by a Government, two principal Members of which were Lord Cairns and Lord Salisbury. If those noble Lords were right in 1869, they did an act in 1877 and 1878 which, in their opinion, was absolutely illegal. He would admit that the Afghan question came within the

Secret Committee clause ; it was an affair of high foreign policy, and the Secretary of State was justified in removing it from the consideration of the Council of India in England. Why he did so was much more difficult to understand. One would have thought that in embarking upon a policy of that kind he would have desired all the assistance and support he could obtain. There was, however, no right to withdraw the matter from the Governor General in Council in India. The last despatch preceding the adoption of the new policy was a despatch from the Government of India under Lord Northbrook, dated January, 1876, objecting to that policy. When Lord Lytton went out he received instructions from the Government as to the policy he was to pursue in a despatch of the 28th of February, 1876, which was addressed, not to the Governor General in Council, but to the Governor General. There was no answer to the despatch from Lord Northbrook. The despatch to Lord Lytton was not laid before the Council. He recommended the new policy and they opposed it ; and it was not until direct authority from the Secretary of State at home was laid before them that they would entertain it at all. Ultimately, as he was informed, after considerable delay, the instructions of the Secretary of State were produced to the Council. The Secretary of State never had any right to instruct the Governor General of India, apart from his Council, and to do so was contrary to the Constitution of India. How was the Council dealt with afterwards ? It was now perfectly well known that three Members of the Council dissented from the new policy ; and under the Indian Constitution had a right to record their dissents, and their recorded dissents ought to have been sent home to the Secretary of State. But these dissents were never recorded. Although the instructions as to the new policy were dated the 28th of February, 1876, no Report—of which Parliament had any cognizance—of these protracted discussions came home until the 10th of May, 1877. Did anybody believe that was the first intimation conveyed to the Secretary of State ? Did not everybody know that communications were taking place by every mail, but that they were private communications ? An important stage in the Afghanistan affairs was when the Instruc-

tions were given to Sir Lewis Pelly for the Conference at Peshawur and for the Treaty he was to submit, as an ultimatum to Shere Ali. The Council ought, of course, to have been consulted on that Treaty, and on those Instructions; a despatch should have come to the Secretary of State containing a Minute of the dissent of the three Members of the Council; and such despatch would have been available to Parliament. It was utterly impossible now to look at those Instructions without identifying the date at which the first formal and official Report as to the adoption by the Indian Council of the new policy with the circumstances of the three dissenting Members of the Council having by that time ceased to be Members. With regard to the next point, the Vernacular Press Act, the objection was to the manner in which the Council in England was dealt with. A telegram was sent by the Viceroy on the 13th of March submitting a proposal to introduce the Act. The usual course would have been to have waited until the Act was passed, and then to have considered it in England, and to have approved or rejected it. The Secretary of State, without consulting his Council or allowing them to express any opinion on the subject, telegraphed back the same day his assent substantially to the principle of the Act. This was to defeat altogether the operation of the Council in England as a check upon the action of the Secretary of State, by depriving it of all opportunity of criticism and remonstrance. Under all the circumstances of the case, the House would, he thought, be of opinion that, as far as the Indian Vernacular Press Act was concerned, the practices of the Constitution had not been fairly complied with. He came next to the third and last point with which he had to deal, and that was the repeal of the cotton duties. He did not now propose to raise in any way the question of the policy of that repeal, but he would refer to the way in which it was done. He would even assume that it was a right policy; but if it was sought to break through the checks which the Constitution imposed, there was no more insidious or dangerous way of doing so than by adopting a course which happened to be popular for the moment. The repeal of the cotton duties was, he believed, inaugurated by a speech which had been made by the Secretary of State

for India at the time in Manchester in 1875, admitting that when the Revenue exhibited a small surplus the thing could not be done. The matter, therefore, was abandoned for some considerable time, and the necessity for doing the thing, *per fas aut per nefas*, did not arise until there was a deficit, when the Governor General in Council used the exceptional powers to which he had already referred, not in any great case of sudden emergency, but in a case of ordinary finance, to overrule the Council of India. He should like to know whether any other example could be furnished of the overruling power of the Governor General having been exercised in such circumstances? The Customs duties on cotton had been imposed by a Legislative Act, and one would suppose that the natural and legitimate way to get rid of them would have been by the passing of a Legislative Act. The Governor General, however, knew that he could not pass such an Act, because the opinion of his Council was almost unanimously against him; and he, consequently, ferreted out a section in the Customs Act under which, apparently, there was power to suspend Customs' duties. If such things as this were done, he ventured to say that their Indian Constitution would break down. The legal Member of the Council felt himself obliged to state that if such things went on the Government of India would be impossible, for it was a fraud, as to which there was no Court of Equity in India which could relieve them; and he strongly objected to the way in which the proposed change in the law was to be effected. In his (Sir William Harcourt's) opinion the only one point in which Mr. Stokes was mistaken was in saying that there was no Court of Equity to relieve the people of India. There was such a Court, and that was the Court which he had now the honour to address. The Parliament of England had the power and authority to vindicate the people of India against such outrages on the Constitution. Sir Alexander Arbuthnot, a Member of the Council of India, in dealing with the question, said there could be no doubt that the people of that country attributed the action which had been taken by the Government with respect to it to the influence of persons who were interested in the cotton trade—in other words, to the in-

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fluence of the manufacturers of Lancashire; and expressed it to be his conviction that he was not overstating the case, when he declared it to be his belief that there were no officials in India who did not regard the step which had been taken as having been adopted not in the interests of India, or, even, of England, but in the supposed interests of a political Party. Sir Alexander Arbuthnot went on to say that nothing would have induced him to be a party to the imposition of restrictions on the Native Press, had he known that within a year the Government of India would have embarked on a course which, in his opinion, was so unwise and so destructive of that reputation for justice on which the rule of England in India so greatly depended. If the language of Sir Alexander Arbuthnot with reference to the operation of the Vernacular Press Act was not justifiable, he wanted to know why Her Majesty's Government did not prosecute him for using language which was injurious to the Government of India? That was what had been done in India in the matter. What had been done in England? Under a clause of the Act, if the Governor General overruled his Council, he was obliged immediately to communicate with the Secretary of State. He (Sir William Harcourt) wanted to know if the Secretary of State had received such a communication, and what he had done with regard to it? Two months ago he received a communication from the Governor General. Had he answered it? Had he approved it? Did he suggest it? In any of those cases had he submitted those communications, as he was bound to do under the Act, to the Council of India? Now happened one of the gravest things that could occur—the overruling of the Council of India by the Governor General. A communication on the subject was sent home to the Secretary of State. It was on a matter of finance, which we were told by Lord Derby must always come before the Council of India. He asked the Chancellor of the Exchequer, some weeks ago, whether a communication on this subject had been submitted to the Council in India; but the right hon. Gentleman, in a light and airy way, said “Oh, no, they received no communication because their responsibility is not engaged in the matter.” But Parlia-

ment meant that their responsibility should be engaged. These were not interlocutory communications, but final and conclusive. He might be misinformed on this matter. If the statements he had made were not accurate, the Under Secretary would set him right; but if those statements were well founded, it seemed to him that some explanation was due from the Government to the House. If, by the conduct of the Indian Government, a bitter impression had been produced upon the minds of men who, by their position and their habits, were naturally addicted to our government, what would be the impression upon the minds of men who were not naturally addicted to our government? What would be the effect produced by the manner in which the Council of India had been treated? If on such matters as the Afghan War, the Vernacular Press, and the finance of India, the Secretary of State did not think it worth while to communicate with the Council of India, the Government had better begin by saving the salaries of both Councils. He thought he had, at any rate, made out a case for inquiry. In this case, every check had been set aside. They had set aside, in this case, the legislative check, and the Executive check in India, and the English check. He had brought forward this subject, not for the purpose of taking a Party division, but of raising a discussion on the question of the Indian Constitution, and how far that Constitution had, or had not, been observed. He thought the facts which he had stated would show that the subject was not of a frivolous description; that his misgivings were natural; and that his apprehensions were well-founded. For his own part, he had been brought up in Whig principles—principles which, he hoped, he would always maintain. He had a great respect for the Limited Monarchy of England; and he should always desire to protect its privileges; but he was equally anxious to maintain the principle of the limitation of the Imperialism of England. No policy, however excellent its objects, could ever be successful which sought to evade or to defeat the right of legitimate discussion, or of Constitutional control. The hon. and learned Gentleman concluded by moving the Address of which he had given Notice.

Motion made, and Question proposed,

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Minute by Members of the Council of the Governor General of India on the Despatch of the Secretary of State, dated the 11th day of November 1875, and referred to in the Despatch of the Government of India, dated the 17th day of March 1876 :

And, of all Communications which have passed between the Secretary of State for India and the Government of India, or the Governor General, relating to the repeal of the Cotton Duties (in continuation of the Papers presented to Parliament in 1876.)”—(*Sir William Harcourt.*)

Mr. E. STANHOPE desired, in the first place, to offer his thanks to the hon. and learned Gentleman the Member for Oxford for the courtesy with which he had communicated to him personally the subjects to which he desired to call the attention of the House. It was no more than he should expect from the hon. and learned Gentleman. He confessed, when he first observed the Notice of Motion of the hon. and learned Gentleman, he was filled with some little apprehension ; but it was some satisfaction to find, after some weeks of preparation, that the hon. and learned Gentleman had produced no more than a Motion for Papers. The hon. and learned Gentleman said he hoped he (Mr. E. Stanhope) would not make use of any *tu quoque* arguments. He thought the hon. and learned Gentleman showed some caution in that observation, because if he had investigated the matter a little more than he had done, he would have seen that his remarks could not be limited to the last few years only. The hon. and learned Gentleman had called the attention of the House to a great number of technical points which had arisen in the course of the very difficult matters which had engaged the attention of the Government during the past few years ; and although the hon. and learned Member did not venture to say that any one act connected with those negotiations was illegal, or that he could visit it with the censure of the House, yet he asked the House, looking at all these isolated matters with a sort of kaleidoscopic effect, to come to the conclusion that there was a deliberate attempt on the part of Her Majesty's Government to set aside the checks instituted by Parliament and

establish a sort of despotism. He ventured to say there was not the least foundation for such a charge. He denied that there had been any change whatever ; and he maintained that the procedure in England and India, in reference to the Councils in England and in India, was precisely the same under the present Government as it was under their Predecessors. That was a statement he made with the utmost possible confidence, and one which he did not think anyone would venture to deny. Both the Secretary of State and the Viceroy might have committed errors of policy ; but he was perfectly satisfied that his noble Friends had adopted the old procedure both in England and India, and had not departed from that procedure in the smallest possible degree. Then the hon. and learned Member suggested that there ought to be great dissatisfaction in the Council of the Secretary of State at the manner in which they had been treated. He had the advantage of living on terms of the greatest intimacy with the Members of that Council, and he thought if there had been grave dissatisfaction he should have heard of it. He fully believed that the Members of that Council, taken as a whole, were satisfied that the Secretary of State had acted with respect to them in as fair a manner as any previous Secretary of State had acted. In fact, in some respects he might say that Lord Salisbury and Lord Cranbrook presented a marked contrast, in their communications to the Council, to the Duke of Argyll, who communicated as little as possible to his Council. He should now deal with the cases mentioned by the hon. and learned Member separately. As he understood the hon. and learned Member, he referred, first, to the relations between the Secretary of State for India and his Council in England ; next to the relations between the Governor General of India and his Council in India ; and, thirdly, the hon. and learned Member dealt with the relations between the Secretary of State, as being a Member of the Government, and the Governor General of India and the Council. For the first three-quarters of an hour of the speech of the hon. and learned Member, he fancied that they were all to be a happy family, and that he would be able to say he agreed with the propositions

which he laid before the House. But the hon. and learned Member proceeded, and he pointed out, under the clauses of the Act for the better government of India, that every order or communication to be sent to India had to be signed by the Secretary of State and submitted to the Council before it was sent to India, except in certain cases. The hon. and learned Member gave the House one of those cases—when the communication related to a question of peace or war, or negotiations with a Native State or Province; but to the second of the exceptions the hon. and learned Member made no reference. The hon. and learned Member made no allusion to the case of urgency. In the case of urgency the Secretary of State might send an order to India; but he was bound to put before the Council the reasons why he had sent the order.

SIR WILLIAM HARCOURT said, he had mentioned the exception in the case of urgency.

MR. E. STANHOPE said, he begged the hon. and learned Member's pardon; in that case, he had nothing more to say on that point. There was one thing most essential for the proper government of India, and that was a complete understanding between the Secretary of State and the Viceroy. If they were to be confined to communications which passed through a great many hands, it would be very difficult for the Governor General and the Secretary of State, at such a distance and under difficult circumstances, to understand each other. Therefore, from the earliest establishment of the Government of India by Her Majesty, the system had been adopted of communication by means of private letters and telegrams between the Secretary of State and the Viceroy. The question as to the legality of personal telegrams had been settled by Papers the production of which had been moved for by the Duke of Argyll; and he did not think it necessary to say a word more in defence of them. The first question which they had to consider was, had the provisions of the Government of India Act been evaded? The first instance which the hon. and learned Gentleman had brought forward in favour of the assertion was the Vernacular Press Act; but the way in which that matter was dealt with might still be in the recollection of the House.

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A telegram, setting forth the reasons for desiring to pass the Act, was sent by the Viceroy to the Secretary of State, who replied giving his sanction to the passing of the Act, but reserving his opinion as to the details which, in compliance with the statute, he would discuss with the Council; and in accordance with the Act of Parliament he had laid before his Council the reasons why he had treated that matter as "urgent." But, then, the hon. and learned Gentleman said the matter was not urgent; but upon that part of the subject he would prefer to take the opinion of Lord Lytton. The hon. and learned Gentleman was good enough to say that in regard to the Afghan War he thought that all the Secretary of State had done was perfectly legal. [An hon Member: Legal or venal?] He only wished that some of the hon. and learned Member's Colleagues had found that out sooner, for the right hon. Gentleman the Member for the City of London (Mr. Goschen) had insinuated a doubt, during the discussions in December last, whether there was a legal justification for the course that was pursued. The hon. and learned Gentleman the Member for Oxford had made great capital out of the course which had been taken by the Government of India in reference to the cotton duties, and had, in support of the case which he set up, urged that no telegraphic communications should have passed between the Home and Indian Governments; but he would ask how the government of India could be carried on unless the Home Government were able from time to time to give, by means of the telegraph, opinions and advice in difficult circumstances? The Indian Executive had occasionally to meet the criticisms of the Home Parliament, and how could they possibly do this effectually, unless they had the means of communicating easily and swiftly with Her Majesty's Ministers in London by means of the telegraph? But if it was said that to address an inquiry to the Secretary of State was an evasion of the Act, suppose he addressed it to the Prime Minister, could it be said that that was an evasion of the Act?

SIR WILLIAM HARCOURT: It would be an evasion of the grossest kind.

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MR. E. STANHOPE, continuing, asked whether it could for a moment be supposed that the government of India had been carried on for the years which it had without some points being submitted to the Cabinet, and their opinion obtained, without its having first been submitted to the Council? And it would be remembered that even if such points were submitted to the Council, it was very likely that they would be unable to answer them. It had been done over and over again without being called an evasion of the Act; in fact, it would be utterly impossible to carry on the government of India unless some such system was adopted. And he should like to ask how the Indian Council was the worse off for what had taken place in the case of the cotton duties? Suppose it had not been submitted to the Cabinet, it would have been done by the Viceroy on his own responsibility, and would have been only reported home in the next Budget Statement, which would have to be submitted to the Secretary of State in Council. Coming next to the second part of the question—the relations between the Viceroy of India and his own Council—the hon. and learned Gentleman had pointed out that letters had been addressed, not to the Governor General in Council, but to the Governor General himself. So far as he had been able to discover, that practice was instituted by the late Mr. Kay in the Political Department of the India Office; but it had been now abandoned, and all despatches were addressed to the Governor General in Council. Then they heard that certain dissents of members of the Viceroy's Council, in regard to his Afghan policy, were not sent home. He would not go at length into that question, because, in the first place, it was not necessary for the purposes of the debate to do so; and because, in the second, it would involve a personal and painful question; but he would simply say that at the outset of the negotiations with the Ameer certain instructions were sent to Sir Richard Pollock at Peshawur. Notes upon these instructions were written by several members of Council; but the Viceroy pointed out that that was not the proper time to record them, but that they should be reserved until the result of the negotiations was reported home. A meeting eventually

took place between the Representative of Her Majesty's Government and the Minister of the Ameer of Cabul in January, 1877, and the result of the meeting was communicated to the Government of India on the 26th of March. In the opinion of the Government of India, there existed no reason for sending any Report until the conclusion of the negotiations. Some people might say that to omit to report proceedings of that kind, from time to time, would not be in conformity with the usual practice in England. Well, the Government of India thought it necessary to do so, and so in such cases had the Secretary of State frequently acted. Anyone who had studied the Blue Books would have seen that during the whole time of the Afghan negotiations in 1873 not a single despatch was written by the Duke of Argyll, the then Secretary of State. Lord Northbrook wrote one or two despatches of a meagre character; but the Duke of Argyll had not even sent any answer to the despatch of Lord Northbrook reporting the result of the negotiations which were held with the Ameer in 1873—negotiations which were, at least, of equal importance with the negotiations of 1877. After the communications received on the 26th of March, Lord Lytton and his Council immediately set to work to prepare a despatch. The documents that had reached them were excessively voluminous. A despatch was drafted, but was not ready for signature until May 10, the date on which it was sent over to England. At that time the three dissentient members had left India, so that it was impossible for their dissents to be appended to the despatch. If there had been on record any demand by those gentlemen that their notes should be turned into formal minutes, Lord Lytton would undoubtedly have given his consent to that proceeding. As it had been suggested last December that Lord Lytton kept back that despatch with the object of preventing those three gentlemen from recording their dissents, he would ask leave to read the opinion of one whose authority would be readily bowed to. He referred to Lord Northbrook, who said in the House of Lords—

“I do not blame Lord Lytton for detaining the despatch, for I do not know his reasons; and I must add that I do not think it was done for the purpose of preventing the dissents from being recorded.” — [3 *Hansard*, cxxliii. 494.]

Returning for a moment to the subject of the cotton duties, and to the mode in which their partial remission had been accomplished in India, he thought he was right in assuming that the hon. and learned Member opposite, like the right hon. Gentleman the Member for Greenwich, was strongly of opinion that those duties ought not to have been repealed. Lord Lytton on the question of the cotton duties had, undoubtedly, overruled the majority of the members of his Council. He did not, however, understand that the hon. and learned Gentleman was of opinion that Lord Lytton had not the legal power to do so.

SIR WILLIAM HARCOURT explained, that he believed that in a financial question like that of the cotton duties Lord Lytton's action was an abuse of the overruling power.

MR. E. STANHOPE said, he did not think it could be denied, at any rate, that under the terms of the Act of 1870 the Viceroy had the power of overruling the majority of his Council, and it had not been shown that he had exercised that power in any undue manner. It was not only a valuable power, but it was essential to the proper government of India. The Council, knowing that the Viceroy had the power of overruling them, acted accordingly, and, owing to the existence of that power, minorities often withdrew their opposition to propositions which had the support of the Viceroy and a strong section of the Council. That opinion was borne out by Lord Macaulay, who was himself the legal member of the Viceroy's Council, and who said in his essay upon Warren Hastings—

“The English Council which represented the Company at Calcutta was constituted on a very different plan from that which has since been adopted. At present the Governor is, as to all executive measures, absolute. He can declare war, conclude peace, appoint public functionaries or remove them in opposition to the unanimous sense of those who sit with him in Council. They are, indeed, entitled to know all that is done, to discuss all that is done, to advise, to remonstrate, to send protests to England; but it is with the Governor the supreme power resides, and on him that the whole responsibility rests. This system they believed to be, on the whole, the best that was ever devised for the government of a country where no materials could be found for a representative Constitution. In the time of Hastings, the Governor had only one vote in Council, and, in case of an equal division, a casting vote. It therefore happened, not unfrequently, that he was overruled on the gravest questions, and it was possible that he might be

wholly excluded for years together from the real direction of public affairs.”

Well, if the House looked to the history of the period when Lord Lawrence was Governor General, they would find that that Governor General, as he had a perfect right to do, overruled the decision of his Council. On that occasion the question involved was of much less importance than the present. It related only to the reserve fund which ought to be maintained for the purposes of the opium revenue. The Governor General was supported only by the opinion of the Finance Minister, and the rest of his Council was against him. It was a very strong Council, including Sir Henry Maine, Sir Henry Durand, Sir William Mansfield, and Mr. J. Strachey. But Lord Lawrence, under the power now complained of, overruled this majority, and passed the measure in question. Then it had been said that discretion ought to have been left to the Government of India, and that the Secretary of State had no right in any case to prescribe the form of any particular measure. Well, that had been done over and over again. There was a very interesting passage in a despatch by the Duke of Argyll bearing on this point. The Duke of Argyll said—

“You will receive the measure from me in the shape in which I think it desirable it should be passed into law.”

No discretion whatever was left to the Government of India. If, on the other hand, the contention of the hon. and learned Gentleman was correct, no power would be left to the Secretary of State in England except a power of veto, and it was easy to conceive that much mischief might thus arise. For instance, supposing the Secretary of State had before him a Bill, the general principle of which he approved, but to certain clauses of which he objected, he would be obliged to veto the Bill as a whole. [SIR WILLIAM HARCOURT said, he referred to the initiation of certain measures.] Well, the Secretary of State in Council undoubtedly possessed the right of sending out instructions to the Governor General in Council for the passing of certain measures. There formerly existed in England a body called the Indian Law Commission, whose business it was to suggest certain measures for India. On these being transmitted by the Secre-

tary of State to India, the Governor General had no option but to pass them; and the statute by virtue of which measures were so sent to India to be passed was still unrepealed. So, again, Sir Charles Wood directed the Government of India to pass the Bill for the abolition of the Grand Juries of Presidency towns, and they had to do it. Of course, such a power ought to be recklessly exercised, but that it should exist was only in accordance with common sense. It was not conceivable that the Governor General should have the power of passing Acts of his own free will, in opposition, it might be, to the feeling of Parliament and of the Government of this country, and subject to no controlling influence except that of his recall. With regard to the hon. and learned Gentleman's request for Papers in connection with the cotton duties, he could only say he had already undertaken to produce them at the request of the hon. and gallant Gentleman the Member for Kincardineshire (Sir George Balfour). The Minute of the 11th of November, 1875, was a somewhat different matter. It was objectionable both in form and in substance, and no notice whatever was taken of it by either the Secretary of State or his Council. But the Government would have no objection to produce it, on condition that a Memorandum written upon it by Sir Henry Maine, a gentleman of the highest authority on questions of the kind, should be produced also. He hoped he had now dealt sufficiently with the speech of the hon. and learned Gentleman. If he had passed over any point, he could assure the House he had done so inadvertently, and not because he was afraid to meet the hon. and learned Gentleman on the ground he had chosen. The Government did not desire to evade the discussion of any one of these questions, and they believed it would be found that what had been done was entirely and completely justified by the letter and spirit of the law.

MR. LAING pointed out that the question involved in the Motion they were discussing was one of danger to the magnificent Empire founded by so many soldiers and statesmen. He regretted that, in spite of the appeal made by the hon. and learned Member for Oxford, the answer made on behalf of the Government had been almost en-

tirely an appeal to the *tu quoque* argument. But if the interests of India were imperilled, it was no consolation to quote precedents by the Duke of Argyll and Lord Lawrence. But there was no analogy between what had been done now, and what was done by Lord Lawrence in a matter of account which nobody in India cared about. It was singularly unfortunate to quote as a precedent the former Afghan War, which we were involved in by a Governor General away from his Council, and unduly led by military officers eager for action. As regarded the remission of the cotton duties, a case in point would have been the reduction of the import duties, in the time of the Viceroyalty of Lord Canning, from 10 to 5 per cent, which it was his (Mr. Laing's) duty as Finance Minister to propose to the Council of which Sir Bartle Frere was then a Member, which was most exhaustively debated, and as to which Lord Canning's judgment was, up to the last moment, in suspense. If it had not been proved in the course of the debate that the measure was acceptable, it would have been withdrawn. The reduction was made because there was a *bond fide* surplus. But now, as had been shown by the Under Secretary, the public Debt of India had been increased within the last few years by £51,000,000, and, making allowance for re-payments and assets, a deficit of £40,000,000 had been incurred. At that moment, there was a deficiency of £7,500,000 on the Budget of the year. Even now there was a deficit of between £3,000,000 and £4,000,000; and yet, in the face of this, it was proposed to take £200,000 a-year of certain revenue. Was ever such a thing as reduction of taxation in such circumstances heard of in any other country? The reason why it had been done was known to everybody. A General Election was impending, and the Government was afraid it might lose some seats in Lancashire. But were these things to be done without any opportunity to the experienced Indian Councillors, who surrounded the Viceroy in India, and the Secretary of State here, to express and publish their opinions? Such conduct endangered the stability of our Indian Empire. They had to deal with a fast-growing public opinion in India, and if they shook confidence in the truth, justice, and sin-

Mr. E. Stanhope

cerity of the Government, they would find increasing difficulty in reconciling India to English rule. Unfortunately, that was the result of many of the proceedings taken by the Government during the last few years.

SIR GEORGE CAMPBELL said, there was nothing to show that in the course which had been taken by the Duke of Argyll he had done anything which was at all parallel to that which had been done by the present Government, whom he charged with having acted illegally in having communicated with the Viceroy of India without the knowledge of the Council at home in the case of the repeal of the cotton duties, and having thus overridden the authority which was given them by Act of Parliament. It seemed to him that the Under Secretary of State for India had not met with his usual explicitness the case submitted by the hon. and learned Member for Oxford. The answer of the Under Secretary of State for India, in fact, was somewhat contradictory. First, he told the House there were matters which were not sufficiently important to be brought under the Act before the Council, and then he used an infinitely more dangerous argument—namely, that some matters might be so important that it would be necessary to exclude the Council and refer them to the Cabinet. He even suggested that both Councils, and even the Secretary of State for India, might be excluded by the Viceroy, and communications be made by him to the Prime Minister. No answer had been given, nor could be given, to the plain law of the case; the conduct of Her Majesty's Government could not be justified. As to the Viceroy and his Council, he had no doubt the Under Secretary of State for India was correct in saying the Governor General had the power of deciding whether a question was essential to the interests of the British possessions in India; but the Governor General was bound, under the Act, to decide a question of that kind, as it were judicially, and honestly to deal with the question of essential interests, which no one could say to be really involved in a reduction of the cotton duties. If Parliament thought right to abolish the Councils at home and in India appointed to aid in the government of that Dependency, let it be so. Parliament and the country would

know who were responsible for the government of India; but Parliament ought not to allow them to continue to exist merely as shams.

MR. E. STANHOPE hoped the hon. and learned Member (Sir William Harcourt) would withdraw his Question, and put it in another form. He had already explained what the Government could give, and what it could not give; and the hon. and learned Gentleman could scarcely expect the Motion to be accepted in its present form.

SIR WILLIAM HARCOURT did not quite understand the hon. Gentleman. He thought he expressed himself willing to grant the Papers.

MR. E. STANHOPE replied that he only accepted the first part.

SIR WILLIAM HARCOURT thought the hon. Gentleman only desired to add something to the Motion.

MR. E. STANHOPE said, he objected to the last paragraph of the Motion, as the Papers there asked for were already granted in another form on the Motion of the hon. and gallant General opposite (Sir George Balfour). He had no objection to the first part of the Motion, if the hon. and learned Member would add a copy of the Memorandum of Sir Henry Maine.

SIR WILLIAM HARCOURT could not see the object of the refusal. If the Under Secretary of State for India was going to give exactly the same Papers in another form, he did not understand why they should not be given on this Motion.

MR. E. STANHOPE pointed out that, as a result, they would be given twice over.

SIR WILLIAM HARCOURT asked if there was a Motion for the Papers already on the Order Book? If there was not, he did not see why the Motion should not be accepted.

MR. FAWCETT thought they were getting into quite an unnecessary difficulty, and that there really was no reason why the Motion should not be amended as suggested.

THE CHANCELLOR OF THE EXCHEQUER said, there was not the least objection to lay before the House the whole of the Correspondence with reference to the cotton duties; but the Under Secretary of State for India did not think it convenient to give those Papers as a separate Return. His hon. Friend

had already undertaken to lay these communications, with others, before the House on the Motion of the hon. and gallant Gentleman the Member for Kincardineshire (Sir George Balfour), in order to afford a complete review of what had taken place with regard to the tariff. At the same time, his hon. Friend would give all the Papers asked for in the first part of the Motion, with the addition of the Memorandum of Sir Henry Maine. He would, therefore, propose that the Motion be amended in that sense.

Amendment proposed,

To leave out from the words "of all Communications," to the end of the Question, in order to add the words "of the Memorandum of Sir Henry Sumner Maine, dated the 25th day of April 1876,"—(*Mr. Chancellor of the Exchequer,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WILLIAM HARCOURT said, at present, there was no Motion on the Order Book for Papers, or if there was one, he should be glad if the hon. Gentleman would refer to it. He had made a distinct request for Papers, and it was refused, because it was said they were to be given at some future time. Did the Under Secretary of State for India refuse to give these Papers because he (Sir William Harcourt) had moved for them? If that was so, why were they to be given at some future time to somebody else? He did not understand the proceeding, for the Papers might never be moved for at all, and, of course, they were important to the consideration of the subject.

MR. E. STANHOPE replied, that he simply wanted to keep all the Papers relating to one thing together. The hon. and gallant Member (Sir George Balfour) had conferred with him as to these Papers—he had seen them—and, as soon as the hon. and gallant Gentleman had sufficiently recovered from the illness of which he was, unfortunately, suffering, he would move for them, and they would be at once produced. His object was that the Papers should be given as a whole, and if there was any delay in the hon. and gallant Gentleman moving for them, he would himself move for them at once.

The Chancellor of the Exchequer

SIR WILLIAM HARCOURT pointed out that an entirely different course was taken in 1876. A question, exactly similar in character, was then raised, and a Return was made of Papers, showing the particular action of the Government on that subject. It would be almost impossible to unbury the particular documents he wanted from a great mass of Correspondence.

MR. FAWCETT observed, that the Papers with regard to the cotton duties were very important, and when they had read them, it was very possible that someone holding a responsible position might consider it his duty to propose a very different Motion from that now before the House. He did not think the Under Secretary had answered the very serious and grave charges brought forward by the hon. and learned Member (Sir William Harcourt); but he had not himself intervened in the debate because he wanted to see these Papers. If they did not give a better answer than that of the Under Secretary to the charge that all Parliamentary checks had been removed, and that the Government of India was now a pure despotism, it was obvious that a very different Motion from that now before them must be proposed. If these Papers were lumped together instead of being published in two lots, would that cause any delay?

MR. ONSLOW believed that the Government would produce the Papers with as little delay as possible, as they clearly had no objection to give them; and he thought the Motion of the Chancellor of the Exchequer a very satisfactory settlement of the question.

MR. E. STANHOPE said, he would undertake, if the hon. and gallant Gentleman was not in his place within a very short period, to move for these Papers himself. There should be no delay in presenting them.

MR. FAWCETT repeated his question, whether any delay would be caused by following the course suggested by the Government?

MR. E. STANHOPE thought not; or, at any rate, not more than a day or two.

MR. COURTNEY asked, if it would not be rather inconvenient if the two sets of Papers were mixed together? They wanted Papers on the Constitutional question, while those his hon.

and gallant Friend (Sir George Balfour) was to move for referred to the financial question. Of course, totally different opinions might be formed on the two subjects, and it would be inconvenient if they got a bundle of Papers dealing with one question, and referring incidentally to the other.

MR. E. STANHOPE undertook that the Papers should be furnished without any delay.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Minute by Members of the Council of the Governor General of India on the Despatch of the Secretary of State, dated the 11th day of November 1875, and referred to in the Despatch of the Government of India, dated the 17th day of March 1876:

And, of the Memorandum of Sir Henry Sumner Maine, dated the 25th day of April 1876.

To be presented by Privy Councillors.

House adjourned at twenty-five minutes before One o'clock.

HOUSE OF COMMONS,

Wednesday, 18th June, 1879.

MINUTES.] — PUBLIC BILLS—*Ordered—First Reading* — Warranty of Animals * [208]. Ulster Tenant Right (No. 2) * [209]; New Forest Act (1877) Amendment * [210].

Second Reading—Money Laws (Ireland) [12], *put off*; Gun Licence Act (1870) Amendment [57], *debate adjourned*.

Select Committee—Medical Act (1858) Amendment (No. 3) * [121], Mr. O'Leary and Mr. John Maitland *added*.

Committee—Report—Sale of Food and Drugs Act (1875) Amendment (*re-comm.*) * [139]; Public Health Act (1875) Amendment (Interments) * [61].

ORDERS OF THE DAY.

MONEY LAWS (IRELAND) BILL.

(Mr. Delahunty, Mr. Richard Power.)

[BILL 12.] SECOND READING.

Order for Second Reading read.

MR. DELAHUNTY, in moving that the Bill be now read a second time, said, he wished, at the outset, to state that the House, on the 18th of March last, affirmed the principle on which this Bill was founded—namely, that a free circulation of specie currency, together with a full and adequate circulation of paper currency, convertible into specie on demand, was essential for the promotion of the development of manufactures, commerce, and trade. The object of this Bill was to extend in a modified form to Ireland the principle of a free circulation of specie currency. At present, a specie circulation did not exist in Ireland; and, therefore, there could be no free circulation of specie there. In England, France, and Germany, where there were no small notes, the specie circulation amounted, on an average, to £5 per head of the population. In Ireland, on the other hand, owing to the circulation of £1 notes, which amounted to £2,000,000 for a population of 5,500,000, the average circulation per head was only 8s. And as for every sovereign in circulation they had about 10 £1 notes, it was clear that in Ireland the amount of specie currency was only 10d. per head of the population. That was a very small sum, and he thought that they ought to have equality in this respect in Ireland. Up to the year 1826 the circulation, both of large and small notes, in Ireland, was the same in proportion as in England, and his country kept pace with England until the law was made different. Now, he only asked the House to agree to the withdrawal of notes under £2 from circulation, and he hoped it would extend the principle of the Resolution which it had unanimously affirmed in a modified form for the benefit of Ireland. Now, the Bank of France, with a capital of £8,000,000, had power to issue £120,000,000 in notes, while the Bank of England, with a capital of £17,000,000, had power to issue only £15,000,000 of notes, which, considering the reserve that had to be made,

was, in fact, only £5,000,000; therefore, he believed that England required an alteration in her paper currency laws. That question, however, he did not touch by his Bill, though he had the opinion at the same time that the paper currency, both in England and Ireland, required extension and alteration from what it was at the present time to meet the requirements of trade. The point he wished to enforce was the necessity of making an alteration in specie currency; and he thought that when the specie currency of Ireland was not more than 10*d.* per head of the population, the time had arrived when something ought to be done in the direction he had indicated, and that Ireland ought, at least, to be allowed to have as high an average circulation as that of the world—namely, £2 per head. His opinion was, that there was sufficient energy and power of development in Ireland to bring the circulation of specie of that country up to the proportions of England, France, and Germany. He had looked into the question, and he could safely say that if Ireland was depressed, and if her manufactures did not exist, it was not for the want of energy and determination and means in the people of Ireland. If they looked back to the history of that country for the last 100 years, they would see that Ireland formerly progressed in industrial development fully as much as England, having regard to her circumstances and the state of her laws. Arthur Young showed that up to the time when he wrote the development of Ireland had been as great as, if not greater than, that of England; while he asserted that France was nowhere as regarded development and prosperity as compared with Ireland. In his opinion, there would now be 13,000,000 people living in affluence in Ireland, instead of a population of 5,000,000, if there had been the same currency laws in that country as had existed in England since the year 1826. Among the high financial authorities who endorsed the views which he entertained were Adam Smith, M. Necker, John Stuart Mill, Dr. Thomas Cooper, Mr. McCulloch, and Mr. Huskisson. In 1811, while the wages of house carpenters in Glasgow were 2*s.* 8*d.* a-day, and in Manchester 3*s.* 10*d.*, they were 4*s.* in Waterford and other Irish towns, though provisions at that time were

cheaper in Ireland than in England or Scotland. It was a fact, which no one could gainsay, that up to 1826 the shipping entering the ports in Ireland was fully equal to that which entered the ports of Great Britain, taking into account the area of the two countries. But what was the case now? Last year, the number of ships which cleared out of English ports was 44,977, with a tonnage of 19,000,000, while the number with cargo that cleared out of Irish ports was only 117. It was quite plain, therefore, there was something "rotten in the state of Denmark." In England the number of passengers carried by rail was over 500,000,000 in the year, and the amount of minerals and merchandize over 180,000,000 tons; in Ireland the number of passengers was only 7,000,000, and the amount of minerals and merchandize not more than 3,000,000 tons. What, then, was to be done? The most essential thing was that there should be free exchange between man and man, and that could only be secured by giving a specie circulation to Ireland. He called upon the House to extend to Ireland the principle of the Resolution which it had adopted three months ago; but if they did not do so, he would only say that they must be certain to hear more about the matter before long. In conclusion, he begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Delahunt*.)

SIR JOSEPH M'KENNA, in moving that the Bill be read a second time that day three months, said, he felt himself under considerable difficulty in following his hon. Friend. He had travelled over an immense extent of ground, and if he touched on all the various topics introduced in his speech, he should occupy not only the remainder of the Sitting, but the rest of the Session. But he complained that what his hon. Friend had advanced had no connection whatever with the measure now before the House. He had failed altogether to bring the logic of his speech to bear on the provisions of the Bill. He had shown by his illustrations that Ireland was extremely prosperous some 100 years ago in spite of the penal laws;

Mr. Delahunt

but what they had now to deal with was not a historical retrospect, but simply with this Bill. His hon. Friend had enunciated what no one had denied, and refuted what no one had stated. He thought the hon. Gentleman had failed to explain his Bill in the least degree. No doubt Ireland had suffered in past times from one kind of misgovernment or another; but he failed to understand by what process a remedy for that suffering was to be found in the mind of any rational person under what it was proposed to enact in that Bill. If £1 notes were injurious, why would not £2 notes be injurious also? Last year his hon. Friend would extirpate impartially all notes under £5; but now he drew his *cordon sanitaire* to protect £2 notes. What magic was there in £2 notes? The Bill commenced by stating that—

“Whereas it is expedient to amend the money laws of Ireland by prohibiting, after a certain period, the issue of promissory notes under the sum of £2.”

He ventured to say that the Preamble was altogether begging the question. Nothing had been produced to show that it was expedient, after a certain period, to prohibit the issue of notes under £2. The hon. Gentleman had devoted two hours to a speech on the Bill, and not two minutes of that speech had been devoted to stating what connection he saw between the historical facts which he quoted and the provisions of the Bill. He thought the best way to deal with the measure was to treat it as private, and hold that the Preamble had not been proved. He admitted that on some of the hon. Gentleman's statements arguments might have been founded 50 years ago; but in 1844 and 1845 Sir Robert Peel made a radical change in the conditions under which bank notes were to be circulated. He did not believe that there was any Member returned from Ireland who had more the interest of his country at heart than his hon. Friend; but whether he was well read in the arguments used in 1826, and from that time to 1844 was not important; for he had, notwithstanding his great astuteness and his historical research, failed to grasp the effect of Sir Robert Peel's legislation. He (Sir Joseph McKenna) would shortly state the effect of that legislation. Sir Robert Peel's

Act of 1844 saved the rights of bankers generally in England to issue for the future an amount of notes on the old credit basis, limited for each bank, to the precise amount of its actual circulation for the year ending 1st May, 1844. He abolished all further power of circulation by these banks, whether on a special basis or not. The whole power of expanding the note circulation of England was vested in the bank of England; and beyond the amount of £14,000,000, it was provided that the bank's circulation should rest strictly—that was, henceforth, entirely on specie. In 1845, Sir Robert Peel passed the Irish Note Circulation Act, identical in principle, but varying slightly in details, from the English Act. Sir Robert Peel did not consider that the Bank of Ireland was in an analogous position to that of the Bank of England, because there was not such an association and interchange between the banks of the country and the Bank of Ireland as existed between the country banks and the Bank of England. Sir Robert Peel felt bound to slightly vary the conditions of the legislation in regard to Ireland from that relating to England; but the principle of a specie basis for every pound of expanded issues was equally maintained. He regarded the Act as one passed in a thoroughly benevolent and statesmanlike spirit towards his country. By the Act, the Irish banks were obliged to furnish similar returns after the 1st of May, 1845, such as the banks of issue already furnished in England. Once all expansion of the note circulation was against specie, it was immaterial whether the actual circulation was maintained in large notes or small. Some of the banks might dispense with their £1 notes; but he knew one bank which issued such notes because their customers preferred them, although a full circulation would be equally maintained by circulating £5 notes as £1 notes. It was no advantage, under such circumstances, to the banker to circulate £1 notes, but in some respects a disadvantage, because the banks had to represent them by an equivalent amount of gold, and to bear the expense of their note issue. He trusted that the hon. Gentleman would not press his Bill to a Division, because, being conversant with the matter, he felt that no good purpose would be served if the Bill were passed into law.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Joseph M'Kenna.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. BRUEN said, he could not agree with the last speaker in the opinion that there was not the slightest disadvantage arising from the circulation of £1 notes. His (Mr. Bruen's) desire was to place Irish commerce and trade in as good a position as they held in England; but he felt that the circulation of small notes was injurious to the progress of the country. They could hardly suppose that a great commercial community like England would forego the advantages to be derived from the circulation of £1 notes, if there were any such advantages. England, having voluntarily deprived herself of the power of issuing £1 notes, the inference was that they were not desirable, and if not desirable for England, he failed to see why they should be forced upon Ireland. The question was one between large and small notes, and the issue of small notes was generally a sign that a country was in difficulties. If the circulation of small notes was a good thing, why were they not adopted in all great commercial countries? He had, on former occasions, felt it his duty to oppose the hon. Member for Waterford; but, on further consideration, he had changed his views, and felt bound to support the second reading of this Bill. In his opinion, the circulation of specie currency should be made identical in both countries.

MR. D. TAYLOR said, they all sympathized with the desire of the hon. Member for Waterford (Mr. Delahunty) to improve the trade of his country; but most of them must differ from him as to the means by which that object was to be secured. The only way to increase the wealth and commerce of Ireland was by the industry and efforts of her people. To hold forth to Ireland that there was any other way of increasing her prosperity would be a mistaken and mischievous course to adopt. The circulation of £1 notes had been a most useful and excellent thing for Ireland, and the best test of that was that throughout Ireland the great bulk of the circulation was in notes of £1.

MR. MACARTNEY said, the people of Ireland had perfect confidence in the £1 note. They preferred them to gold, and for this reason he opposed the Bill. He had, however, a stronger reason, and that was that the Bill would inflict a great blow on the banks. The hon. Member (Mr. Delahunty) had represented to them that Ireland was not so prosperous now as in the time of Arthur Young; but he did not prove that the banks of Ireland were more useful or more flourishing then than now. If the argument of the hon. Gentleman were carried out to its logical conclusion, it would be this—that to restore Ireland to its former prosperity all the laws that existed then should be re-enacted.

MR. BIGGAR said, it had not been shown that there was any connection between £1 notes and the decline from a former condition of prosperity in Ireland, which existed, in fact, along with the circulation of £1 notes. A change ought not to be made unless stronger arguments could be urged. The Bill would lessen the resources of the banks, and would not increase the circulating medium which had hitherto worked for the benefit of the general public. The currency laws, no doubt, required considerable amendment; but, so far as Ireland was concerned, the subject should be approached in a more practical manner, and from a totally different point of view. The House would, in his opinion, do well to refuse its assent to the Bill.

MR. MULHOLLAND said, he had given considerable attention to this subject, and certainly should ask the House not to make any such alteration in the law as the hon. Gentleman proposed. He could bear testimony to the efficient working of the present banking system in Ireland, and to the great accommodation it afforded to the Irish agricultural and commercial classes. When they talked of the depression of industry in Ireland as being the result of the £1 note system, he would point out to them the progress which Scotland had made under the same law. He believed the progress of Scotland during the last 100 years had been greater even than that of England; and if they applied the usual tests, he believed it would be found that the progress of Ireland had been very great during the last half-century. So long as there was no question as to their convertibility—and there was no such

question—he trusted nothing would be done to abolish £1 notes in Ireland.

SIR HENRY SELWIN-IBBETSON said, he must bear testimony to the care and consideration which the hon. Member who introduced the Bill had given to the question. In support of the Bill it was urged that there was a certain amount of manufacturing inertness in Ireland; and the question, he thought, they had really to consider was whether, if it were true that there was a want of manufacturing energy in Ireland, the want of manufacturing energy could be traced at all to the fact that the circulation of bank notes in Ireland mainly consisted of these £1 bank notes? Under Sir Robert Peel's Act of 1845, a limitation of notes, issued by any particular bank, was declared, and for any issue beyond the amount, banks had to deposit and keep in reserve a certain amount. As to the kind of note the bank should issue, as long as they retained the amount in reserve, the law imposed in no way any kind of restriction upon the denomination of note. If it suited the banks of Ireland, if they felt it a convenience to their customers to issue these £1 notes, for the issue of which a demand seemed to be made, he was informed, and he believed correctly, that there was no limitation. Whilst the banks retained their proper balances of reserve in proportion to their notes of issue, there was nothing to prevent them, for convenience of their customers, arriving at any decision as to the form in which they should issue their notes. They had heard to-day of the popularity of the system of £1 notes in Ireland; and some years back a Committee on Banks of Issue had investigated the question, and the evidence given before that Committee, by witnesses from Ireland, showed that £1 notes were a practical convenience both in Scotland and Ireland, and that any interference with the issue of them would be unpopular; and the hon. Member would have to answer those objections before he could expect the House to pass the Bill. As a matter of evidence, it was clear that the system had worked well both in Ireland and in Scotland; but, provided the conditions were complied with, the banks could issue other notes.

MR. DELAHUNTY, in reply, said, it was all very well to talk about there being a reserve. They must know very well that there was none. In Ireland

the amount was so small that it was not worth talking about. The Bank of Ireland had not £500,000 specie, because gold had fled the country. It was necessary to have gold in England to sustain the country; but Ireland had none at all. What Ireland wanted was manufactures, commerce, and trade; and if there was not a circulation of money, it was simply impossible to have manufactures, commerce, and trade. People said—"Let Ireland be industrious." Ireland was industrious; but, unfortunately, she had not plenty of money to sustain the manufacturing interests of the country. He therefore hoped the House would sustain him in passing the Bill he had introduced, and to give an opportunity he would leave the Bill in its hands; but if the Bill were defeated, he would bring the matter before every constituency in Ireland before they returned to the subject next Session.

Question put.

The House divided:—Ayes 30; Noes 146: Majority 116.—(Div. List, No. 123.)

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

GUN LICENCES ACT (1870) AMENDMENT BILL.—[BILL 57.]

(Sir Alexander Gordon, Mr. Clare Read, Mr. M'Lagan, Mr. Mark Stewart.)

SECOND READING.

Order for Second Reading read.

SIR ALEXANDER GORDON, in moving that the Bill be now read a second time, said, it had been prepared to remedy what many persons held to be a serious error made in 1870, when the Gun Licences Act was passed through Parliament. The error then made was, in his opinion, a reversal of the principle which was adopted by Parliament in 1848, and continued for 22 years. The principle laid down by the Act of 1848 was, that the occupier of land had the right to protect the produce of his land from injury by hares and wild animals without paying any tax for so doing. Hon. Members might remember that in 1848 the Act 11 & 12 Vict. c. 29 was, according to an extract from the Pre-

amble, passed for the following reasons:—

“And, whereas it has been found that much damage has been and is continually being done by hares to the produce of inclosed lands, and that great losses have thereby accrued and do accrue to the occupiers of such lands, it is expedient that persons in the actual occupation of such inclosed lands should be allowed to take and kill hares thereon, without the payment of assessed taxes, and without obtaining a game certificate.”

The Bill he now asked the House to adopt had been framed on the principle that no tax should be imposed on those who were producers of food to enable them to protect that produce from being destroyed. At that time, in 1848, rabbits were not game, and they could be destroyed by any persons without having a licence or certificate to enable them to do so. But another Act was passed through Parliament in 1860, the object of which was to alter the game certificates into licences to kill game, and to reduce the amount payable for that licence from £3 13s. to £3; but on that occasion Parliament was careful to maintain the principle laid down in 1848, that growers of food should have the right to protect it without being taxed for so doing, and Clause 6 was introduced into the Act of 1860, which specially preserved the rights given by the previous Act of 1848, showing that the principle was considered a just one. In that Act of 1860 rabbits were also exempted from paying the tax. [*A laugh.*] He meant they were exempted from the class of animals that the tenant had to be taxed for killing. Tenants of land shooting rabbits over these lands were specially exempt from the taxes levied on other persons. There was also this exemption—that in Ireland every person was exempt from taxes for killing rabbits. This liberty was enjoyed until 1870, when the Gun Licences Act was passed. The Act of 1870 had given great dissatisfaction, especially to the agricultural interests. The producers of food were by it unable to protect their property without finding themselves taxed for so doing. In fact, the Act was commonly called by the agriculturists a Game Law in disguise, which it was to a certain extent. Since this Act had come into force in Scotland, in the county of which he was most qualified to speak, wood-pigeons had increased until they had become a serious evil.

Sir Alexander Gordon

In East Lothian alone, the Farmers' Association had paid the premium for 23,000 heads of wood-pigeons in one year, and yet they were unable to keep down the number. Those who suffered from wood-pigeons complained very much against any taxes whatever being imposed for killing them. He was informed that in this House itself, soon after the Gun Licences Act was passed, a vote was recorded against that measure while the Customs and Inland Revenue Bill was under consideration; but he had not had time to find out that case in the records of the House, and, therefore, he could only give it on the authority of another hon. Member. He thought it would be well for the House to hear some of the reasons adduced in 1870 for passing this obnoxious Act. The present Secretary to the Treasury had said he did not believe that the Bill would in any way promote the preservation of game, and he had supported it on the sole ground that it would be useful in securing the registering of arms in this country. That was the object of many other hon. Gentlemen in the House at the time besides the hon. Gentleman. So much was this the case that the then Chancellor of the Exchequer said—

“The object of this Bill is to check lawless habits. . . . I think it is a good object to discourage the lower classes from habitually carrying deadly weapons.”—[3 *Hansard*, cciii. 767-8.]

He (Sir Alexander Gordon) did not want to contest this opinion; but he wanted to show that the Bill brought in with that object had not had the effect intended. It ought to be called more strictly a Police Act in disguise, instead of a Gun Licence Act. Had it effected its purpose? The real object of the Bill was to obtain a registration of arms; but it was quite powerless to attain that object, for this reason—that even under the Gun Licences Act any man had a right to have a gun in his possession, to carry it in the open country, and to use it for firing at birds to frighten them, without being taxed at all. He had also the power of using a gun to shoot vermin, rats, polecats, or whatever he thought proper, and the Excise officer could not touch him, because the law allowed him to do it. Therefore, the whole population might be provided with guns for rebellious purposes, and

might escape taxation or registration by avowing that their object was to scare birds or to shoot vermin. Those were the exemptions of the Act of 1870. His Bill was intended to deal with the exemptions. He knew he would be told that the Excise officers would be placed in a difficulty by the passing of this Bill. But he thought it could be shown that the effect of the Bill would just be the reverse of this. The Excise officers at present could never tell whether a man had a gun for the purpose of killing or only scaring birds. An Excise officer might see a man firing at a bird; but unless he saw the bird fall, or knew that there was shot in the gun, he could not insist on his having a licence. It would be a far greater protection to a farmer's crop if they would allow him to kill a bird at once, and so get rid of it, than merely to allow him to frighten it off his fields, to which it might return every half-hour. In short, the Bill was to empower the producers of food to kill as well as to scare birds, and to give occupiers of land the same liberty they had from 1848 to 1870. In the Bill he had included hares, rabbits, wood-pigeons, and rooks. He was, however, quite willing to withdraw the hares from the Bill, if it was thought to be objectionable to include them, or that this would be giving too much liberty to farmers. In this Bill he asked for what he wanted; but he should be delighted to take whatever he could get from the Government. The first Bill which he and his hon. Friends introduced was slightly different from the Bill now introduced. The Bill of two years ago only applied to Scotland; but several Members—the hon. Member for South Norfolk (Mr. Clare Read) amongst them—thought it desirable to have the Bill extended to England. Another alteration had been made. Instead of giving liberty to one person only in each occupation, the liberty was made general to any person, the same as in the Gun Licences Act, which he proposed to amend. But if it was thought better, he was quite ready to limit the liberty to one person, such as the son or servant of the farmer. The Bill of 1848, which originated the principle he wanted to restore, was supported by a very large number of persons on both sides of the House. Sir George Grey, who was then Home Secretary, the right hon. Mem-

ber for Birmingham (Mr. John Bright), the hon. Member for North Warwickshire (Mr. Newdegate), the late Sir Robert Peel, Mr. Adderley, the Earl of March, the Duke of Richmond, and even Colonel Sibthorp, supported the Bill. The Duke of Richmond said that after all this Bill would only allow a man to do what he liked with his own, for hares, when on the farmer's land, were his own property. He (Sir Alexander Gordon) thought the legislation of that day was more liberal than it had been since. He hoped Her Majesty's Government and the House would accept this Bill in some form or other. By doing so they would only act upon the principle they professed to act upon every day they met here. They professed to legislate with the view of enabling the earth to bring forth the fruits of its increase; and as weekly they prayed that the kindly fruits of the earth would be preserved to their use, so that in due time they might enjoy them, if these words were not mere perfunctory expressions, they ought to legislate for that end. In conclusion, he begged to move the second reading of the Bill.

MR. M'LAGAN, in seconding the Motion, remarked that the object of the Bill was to restore to the tenant the right he possessed before 1870. The Act of 1848 was of little use to the tenant farmers of Scotland. The terms of that Act were that the persons having the right to kill hares should be exempt from the game tax. It was well known that in Scotland the tenant had not the right to kill hares, unless it was granted by the landlord, and it was rarely that that right was granted. Therefore, he said, the Act was of little use to the Scotch tenants. To the English tenant the Act was of great use, for he had the right to kill hares, and so it exempted him. The real value of that Act of 1848 was that the Legislature recognized the fact that hares did a great deal of damage to the crops of the tenant farmer, and it was necessary that some remedy should be introduced to prevent it. This was recognized by the Acts which succeeded that of 1848. The right before 1870 was to scare or kill all rabbits and vermin. As had been forcibly put by his hon. and gallant Friend (Sir Alexander Gordon), the occupier of a farm, who was the producer of valuable food for the people,

should still retain that right. He thought, however, his hon. and gallant Friend would do well to strike out the word "hares." In amending the Gun Tax Act of 1870, it was never intended that they should be considered vermin, or anything else than game. The Act of 1870 gave the right to scare birds and kill vermin by means of guns; but it did not allow a tenant to delegate that right to any other person unless he took out a gun licence. Before 1870 he had that right. When they considered how the property of the tenant was destroyed by vermin and by birds—how, in some places, rooks and wood-pigeons destroyed the seed when sown, and the crops when ready to be cut, how the green crops of the tenant were destroyed by rabbits, and how wood-pigeons destroyed the wheat and other cereals, they would recognize the fact that these ravages could not be prevented by one person on a farm. They were not committed on one isolated part of a farm; and it was, therefore, important that the farmer should have more than one person armed in some way to frighten away those pests. More was necessary than that rooks and wood-pigeons should be frightened by the cry of a boy or the firing of a gun. It was absolutely necessary that the tenant should have not only the power to scare but to kill. There was, no doubt, a very great increase in the number of wood-pigeons, and it was, no doubt, to be attributed very much to this Gun Licence Act; but the Game Laws, as they existed at the present time, had a great deal to do with the enormous increase. He heartily supported the Bill, as he considered a gun a necessity to a farm to be used for these purposes, and as much an agricultural implement as any other on the farm. He hoped the Government would give their support to the measure, and thus enable the tenant to have the power he had before. The hon. and gallant Member had made concessions that should commend it to the House. He (Mr. M'Lagan) did not think it would be wise that the power to kill rabbits and vermin should be delegated to more than one person on the farm or in the parish, as it was necessary, if the gun licence was to be maintained, that a proper tax should be put upon it. Of course, he would rather see the tax wholly abolished; but so long as it was considered necessary to retain it, there

should be sufficient checks to prevent its being entirely evaded.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Alexander Gordon.*)

MR. MARK STEWART thought the Bill would be very useful to the country generally if it became law. Farmers, no doubt, suffered greatly from the damage caused by hares and other wild animals; but he was very glad to see that his hon. and gallant Friend was willing to remove the word "hares" from the Bill, for the presence of that word in the measure had led to the impression that there was an intention to tinker with the Game Laws, which had been, in the meantime, settled in a satisfactory manner by his hon. Friend who had just sat down; and it was desirable to undeceive these persons, and to assure them that the measure was purely fiscal in its operation. The right hon. Member for the University of London (Mr. Lowe) introduced and passed the measure, which the present Bill sought to amend, in 1870, and it had caused great complaint in different parts of the country. It was hard that small farmers, with but 20 or 30 acres, should require a licence to scare rooks and other vermin from their fields. The main object of the Bill was to enable persons to secure their own farms from molestation from vermin which did such an immense amount of mischief; and that being the case, he accepted the principle of the measure, while, at the same time, he was glad to find the hon. and gallant Gentleman (Sir Alexander Gordon) willing to modify its provisions. He hoped the House would allow the Bill to be read a second time.

MR. J. W. BARCLAY said, the Bill had been properly described as a Bill to amend the Gun Licence Act of 1870. He himself would have preferred that it had been a Bill to abolish the Gun Licence Act altogether; but he gladly accepted the measure as an instalment of reform in the law. There was no doubt that the licence was regarded as a sore grievance by farmers generally throughout the country. It was one of those petty annoying grievances constantly recurring to the farmer's mind, as he went out into the fields and saw his crops being destroyed by birds or

Mr. M'Lagan

vermin, and in the winter-time his ricks covered with rooks, and his turnips destroyed by wood-pigeons. He was aware that certain Justices of the Peace had decided that the farmer did not bring himself under the penalty of the law if he himself shot birds. In the South of Scotland, an appeal had been pending from such decision; but, evidently on the advice of some authority at headquarters in London, the appeal was withdrawn. This was of the nature of a public scandal. It was generally recognized that the Act was violated, and that the Justices had strained the law in not convicting on the evidence. In the present depressed state of agriculture, it would be a gracious concession to the farmers to pass this Bill. There was no great difficulty in recurring to the state of matters before 1870. There never was any reason for the introduction of the gun licence. The right hon. Gentleman who introduced it (Mr. Lowe) had about the same time another aberration on the subject of lucifer matches. That was a matter which affected the constituents in the large boroughs, and the proposal in consequence quickly died; but although it was pointed out that the gun licence would be an unfair imposition on tenant farmers, the House supported the Government, and passed it. He hoped, however, that the House would now do what was possible to redress the injury then done, and pass the measure by a large majority.

MR. GREGORY said, that rabbits in his county were the common enemy of the landlord and tenant, as they were as destructive of underwood upon which the landed proprietor relied as they were of the crops of his tenant. He did not, however, think that tenants would avail themselves of the provisions of the Bill to any great extent for the shooting of rabbits, because they had an objection to employ their servants in that way when the latter had other work to do on the farm. He would suggest to the House the necessity of taking care that the Bill was so worded in Committee that its operation should not extend beyond its legitimate purposes, for the indiscriminate use of guns had led, and would lead, to serious accidents. The measure thus guarded might be useful and desirable to the agricultural population.

MR. C. S. PARKER said, he quite agreed with the previous speaker that the Bill should be limited strictly to the purposes for which it was asked for by its supporters, and he had thought the words now in the Bill would have that effect. If, however, on consideration these words were found to be insufficient, the supporters of the Bill would be very willing to insert other words which would leave no doubt upon the point. From his experience of the feeling among agricultural tenants on this question, he could assure the House that the passing of the Bill would give great satisfaction. The amount involved was small, and might excite a sneer; but it was the sense of injustice, rather than the amount of the tax, that caused the strong feeling among those who paid it. When the Gun Licence Act was passed it was thought to be a Game Law in disguise, and also a Police Bill in disguise; and he believed that of the two the latter supposition was nearer the truth than the former, for one object of the Chancellor of the Exchequer in passing it was to guard against the danger arising from the carrying about of arms, the right hon. Gentleman himself, it was said, having been nearly shot on one occasion by a man who was shooting small birds. He remembered, also, that when the Act was discussed it was supposed to have some relation to the case of Ireland, where the Government were anxious to find out who were in possession of guns; but, as the hon. and gallant Member (Sir Alexander Gordon) had pointed out, it could not operate very much in that direction as against keeping fire-arms, because it gave power to deal only with those who carried guns, and not with those who kept them in their houses. The thing forbidden was not having a gun, but carrying it. But the remark which he rose chiefly to make was this—that he thought the promoters of the Bill had been almost too ready to propose modifications in the Bill in Committee before they were asked to do so. He regretted very much that the hon. Gentleman the Member for South Norfolk (Mr. Clare Read) was unable to be present to speak for English tenant farmers. He feared that if hares were taken out of the Bill it would not give satisfaction in Scotland. He did not understand on what principle they should be

taken out. It might, no doubt, help to show that there was no intention of meddling with the Game Laws generally. But the House might remember that even if hares remained in the Bill, that fact would not in the least empower the tenant to touch the hares, if he had not the right to do so, at any rate; and, therefore, that part of the Bill could do no possible harm. It merely affected the question of Revenue. As a matter of principle, the exemption was asked for the purpose of defending the growing crops, and he thought nobody connected with agriculture was likely to deny that the hare was a very mischievous animal. There was no animal which was more partial to swedes, or would travel farther to get at them; and, although the number of hares was but small as compared with the number of rabbits, it was generally admitted that one hare did a great deal more damage than one rabbit, because the hare travelled so much further, and was in the habit of tasting so many different roots. He, therefore, hoped the Government would grant the second reading of the Bill, and that when they got into Committee they might have the advantage of the presence of the hon. Member for South Norfolk (Mr. Clare Read), whose name was on the back of the Bill, and then a fair discussion might be had of all the details of the measure.

MR. BRUEN objected that, under this Bill, two guns might be used on one farm—one by the farmer himself, and the other by his delegate. In his opinion, the grievance complained of was of the most unsubstantial character; 10*s.* was little to pay for the privilege for which the tax was imposed. No cases had been cited sufficient to justify the proposed alteration of the law; and, therefore, he moved, as an Amendment, that the Bill be read a second time that day three months.

SIR ANDREW LUSK seconded the Amendment, declaring that if people always went about with guns they would be apt to get shot. He maintained that if rabbits, hares, and wood-pigeons did so much damage, it would surely pay a farmer to take out a gun licence for 10*s.*, which would enable him to keep his holding clear; but if a farmer found that it was not worth 10*s.* a-year to stop the destruction of his crops, that de-

struction could be hardly worth talking about.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Bruen.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. J. LOWTHER said, there was one matter which had not been mentioned hitherto—namely, that it was proposed to apply the Act to Ireland. Whatever point of view his Colleagues of the Revenue Department might choose in approaching the Bill, he must say that, looking at it from the point of view of the Irish Executive, he did not feel himself justified in supporting it. He was sorry to say that, at the present time, the state of Ireland was not such that the Government could look with equanimity upon any enactment tending to the multiplication of fire-arms in the country. He did not share the view that the possession of fire-arms was one of the inherent rights of man. Looking at the matter in another light, he pointed out that every now and then it had been stated to be desirable to prevent the wholesale slaughter of small birds. He remembered that, on one occasion, the House was debating the question of the establishment of a close time for sea fowl, and that he, not being at that time officially connected with Ireland, and being, therefore, able to speak more freely than he should like to do now, made a suggestion, in reply to a proposal by an Irish Member to extend the Act to Ireland. The suggestion he made was, that there should be a close time for landlords and agents. Since then they had had a variety of Bills dealing with these questions; and he had more than once expressed doubts as to the advisability of pandering to sentimental schemes for the preservation of vermin, in which direction he admitted that Parliament had proceeded somewhat far. The present proposal, however, reversed that policy in a manner which he considered altogether uncalled for. With regard to wood-pigeons, he believed the price of these birds was always sufficiently good to enable a tolerable shot to recoup himself the cost of his gun licence. It was only the other day that a Bill was passed establishing the close time for hares in Ireland, and that did

not indicate any pressing necessity for their destruction. If vermin were really a pest to the farmer, he might reasonably pay the small impost of 10s. for liberty to use a gun; but, in point of fact, he had the liberty already with regard to vermin. They heard a good deal a few years ago in that House on behalf of the farmer's boy and the cheap gun; but, in his opinion, that was not altogether a desirable thing. He had expressed his opinion that there would be a greater number of fingers upon the hands of the typical farmers' boy, and more eyes in his neighbours' heads, if, instead of the cheap gun, a far more efficacious—while far less dangerous weapon—was placed in his hands—namely, a rattle. He would, moreover, now say that a very small investment in birdlime and traps would get rid of all the difficulties of the farmer. ["Divide!"] He could assure hon. Members that he had no intention to interfere with a Division. He might add, in conclusion, it appeared to him there was no occasion for a Bill of this kind. The Legislature had prescribed a very reasonable impost, and the law authorized a person to make use of a gun upon his own holding. Many hon. Members had overlooked that fact, and had spoken as though the farmer was entirely precluded from making use of a gun. He thought the indiscriminate use of guns should be discouraged by the Legislature, and would repeat that there were many other ways of destroying vermin; but if a man wished to use a gun, he should not object to pay the tax, when even the necessities of life were taxed.

MR. CALLAN was sure the House had thoroughly enjoyed the Chief Secretary's speech; but regretted that he had thought it necessary to repeat his old jest about a close time for landlords and their agents. He supported the Bill, and gave an instance of a farm of 200 acres, on which damage had been done by rats, in two years, to the extent of £590. He thought 10s. was a large sum for such purpose; but what he particularly wished to call attention to was the peculiar objection of the Chief Secretary to the Bill. Did the Chief Secretary mean to say that Ireland was in such a disturbed state that the farmers were not to be trusted with guns?

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MR. MACARTNEY said, that the law at present gave power to an occupier of land to carry a gun and destroy vermin on his own land. He might also depute that power to his own son; but he could not give written permission or authority to another person to use a gun in his behalf. This Bill, on the other hand, would enable an occupier of land to give written permission to any number of persons in the neighbourhood to come upon his land and shoot whenever they liked. Allusion had been made to the shooting of landlords, and, unfortunately, occurrences had recently taken place in Ireland declaring landlords to be vermin; so that, if this Bill passed and authorized the destruction of vermin, he was afraid the destruction of landlords might occur even more frequently than it had hitherto. But, independent of that, there was a reason why an occupier should not be enabled to give this authority to other persons, not even to shoot rabbits. He had considerable acquaintance with rabbits, and his experience was that destroying them by ferrets was the best way.

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

WARRANTY OF ANIMALS BILL.

On Motion of Sir EARDLEY WILMOT, Bill to make written documents necessary to support actions for Warranty of Horses and other animals, *ordered* to be brought in by Sir EARDLEY WILMOT, Mr. FORSYTH, and Mr. Serjeant SIMON.

Bill *presented*, and read the first time. [Bill 208.]

ULSTER TENANT RIGHT (NO. 2) BILL.

On Motion of Lord ARTHUR HILL-TREVOR, Bill to make further provision in respect of Tenant Right in Ulster at the expiration of Leases, *ordered* to be brought in by Lord ARTHUR HILL-TREVOR, Marquess of HAMILTON, Viscount CASTLEREAGH, Colonel LOWRY CORRY, and Mr. MULHOLLAND.

Bill *presented*, and read the first time. [Bill 209.]

NEW FOREST ACT (1877) AMENDMENT BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to amend "The New Forest Act, 1877," *ordered* to be brought in by Mr. SCLATER-BOOTH and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 210.]

House adjourned at five minutes before Six o'clock.

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HOUSE OF LORDS,

*Thursday, 19th June, 1879.*MINUTES.]—PUBLIC BILLS—*First Reading*—*Bills of Sale (Ireland)* * (119).*Second Reading*—Supreme Court of Judicature (Officers) (76); Metropolitan Public Carriage Act Amendment * (105).*Committee*—Prosecution of Offences (74-121); Children's Dangerous Performances (64-122).*Committee—Report*—Local Government (Highways) Provisional Orders (Buckingham, &c.) * [95]; Local Government Provisional Orders (Aysgarth Union, &c.) * [104].*Report*—Hares (Ireland) * (89).

LONDON BRIDGE BILL.

THIRD READING POSTPONED.

Order of the Day for the Third Reading, read.

THE EARL OF CARNARVON appealed to the noble Earl the Chairman of Committees to postpone the third reading for a week. The Preamble of the Bill set forth that it was desirable to widen London Bridge and its approaches; but it did not state in what way that object was to be carried into effect. The measure had passed through the House of Commons as an unopposed Bill; but he hoped, in the interval, that any Members of their Lordships' House who took an interest in the material condition of the Metropolis would look at a model of the proposed alterations which was now displayed in one of the Committee Rooms, and satisfy himself, before the Bill proceeded further, what was proposed to be done. They would see that it was proposed to carry out on each side of the existing Bridge, to the extent of 11 or 12 feet, a pathway composed of iron cantilevers; the beautiful stonework of the parapet was to be done away with, and iron "filagree work" would be substituted. In fact, the whole character and form of the Bridge, which was one of the chief ornaments of the Metropolis, would be entirely destroyed. The Bill was described as one "for widening London Bridge;" but it would have been better described as one for its disfigurement past all hope of recovery. Unfortunately, they had not many fine monuments in London, and it seemed to him deplorable that any of the few they had should be destroyed simply for commer-

cial speculation, or through the neglect of Parliament. He remembered the passing of the Act which gave power to take a railway over the River, and which was carried by an iron bridge across Ludgate Hill, cutting in two the façade of St. Paul's. There never was a greater calamity to London, from an artistic point of view; and he always looked back with shame and regret to the fact that he did not raise his voice against that Bill when it was before Parliament—a circumstance which weighed upon his conscience ever since. He trusted his noble Friend would not refuse to accede to the appeal which he made in the present case.

EARL GRANVILLE concurred in the request of the noble Earl, and would express his approval of all that he had said. From the description which the noble Earl had given of the proposed alterations, he could not conceive but it would ruin the appearance of the Bridge. He trusted that, under the circumstances, his noble Friend the Chairman of Committees would not object to a postponement of the third reading of the Bill.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, after the appeal that had been made to him, he could but consent to the postponement of the Bill for a week.

Bill to be read 3^d on *Thursday* next.

THAMES RIVER (PREVENTION OF FLOODS) BILL.

SECOND READING POSTPONED.

Order of the Day for the Second Reading, read.

LORD TRURO said, there were strong objections on the part of many persons to some provisions of the Bill; and if the noble Earl the Chairman of Committees would be good enough to let it stand over till Monday next, some arrangement satisfactory to those interested in the subject might be entered into.

THE BISHOP OF LONDON was understood to support the request of the noble Lord.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) asked whether the noble Lord intended to move an Amendment to the Bill? If so, he would not object to the postponement of the second reading.

LORD TRURO said, he intended to move—

"That it be an Instruction to the Committee on the Thames River (Prevention of Floods) Bill that they have power to alter the Bill so as to charge to the rates of the Metropolis the costs of all works carried out on public property, and the expense of works of an exceptional character and cost that may be ordered to be executed on private property."

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, that being so, he would not oppose the postponement of the second reading.

Second Reading put off to Monday next.

SUPREME COURT OF JUDICATURE (OFFICERS) BILL.—(No. 76.)

(The Lord Chancellor.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, said, that its object was to amalgamate in one Central Office certain of the offices and officers connected with the various Divisions of the Supreme Court of Judicature, as had been recommended by a Departmental Commission which sat on the subject. The offices which it proposed to amalgamate were the Record and Writ Clerk's Office, the Enrolment Office, the offices of the Masters of the Queen's Bench, Common Pleas, and Exchequer Divisions, including the Bills of Sale Office, the offices of the Associates of the three Common Law Divisions, the Crown Office, the Queen's Remembrancer's Office, the office of the Registrar of Certificates of Acknowledgments of Deeds by Married Women, and the office of Registrar of Judgments, and such other offices of the Supreme Court as might from time to time be amalgamated with the Central Office by Rules of the Court. The existing holders of these offices were to be transferred to the new Central Office. The Central Office would be under the control of officers called Masters of the Supreme Court. The existing Masters would be continued in their offices. Vacancies in the office of Masters were not to be filled up until the number had been reduced to 18. Future appointments to the office of

Master were to be made by the Chiefs of the Common Law Divisions and the Master of the Rolls in rotation; that of Queen's Coroner and Master of the Crown Office by the Lord Chief Justice of England. Another section of the Bill made provision in respect of salaries and pensions as the proposed changes required. A third section laid down rules in regard to making Rules of Court; and there was a fourth section, containing certain miscellaneous provisions with which he would not trouble their Lordships.

Moved, "That the Bill be now read 2^a."
—(The Lord Chancellor.)

LORD SELBORNE expressed his approval of the Bill; but said that he should have been glad to have seen some greater facility given for making the Chief Clerks in the Chancery Division, when not employed in their own work, interchangeable in the same manner as were the Judges between the various Divisions. He should also have been glad to see some provision for utilizing the services of the Official Referees. They were certainly not overburdened with work in their own Department, and might very advantageously be employed in discharging other work.

THE LORD CHANCELLOR admitted that the experiment of the Official Referees had not been a successful one, nor had the work been of the magnitude which was expected. He had called attention to the fact, and strongly urged that portion of the business which was found heavy in Chambers should be sent to the Official Referees. The Master of the Rolls had acted upon the suggestion with some success, and had sent some of the business which ordinarily fell to the Chief Clerks to the Official Referees. The other Judges had not yet acted on the suggestion.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Thursday next.

PROSECUTION OF OFFENCES BILL.

(The Lord Chancellor.)

(No. 74.) COMMITTEE.

House in Committee (according to Order).

Clause 1 (Short title) agreed to.

Clause 2 (Appointment of Director of Public Prosecutions).

LORD COLERIDGE desired to call his noble and learned Friend's attention to the fact that, under this clause, it was provided that the Public Prosecutor, or Director of Public Prosecutions, as he was to be termed, and his Assistants in the country, should be appointed by the Home Secretary, and not by the Attorney General. He objected to this arrangement, and would move, as an Amendment, that the appointments be made by the Attorney General, who, from his legal knowledge, would be better able than the Home Secretary to make the selections. He disclaimed any hostility to the present Home Secretary; this was not the original proposal of the Bill, but was a piece of patronage forced on that right hon. Gentleman by the House of Commons.

Amendment *moved*, in line 9, leave out ("A Secretary of State") and insert ("The Attorney General.")—(*The Lord Coleridge*.)

THE LORD CHANCELLOR said, he would remind his noble and learned Friend that the House of Commons provided the funds for the institution of this peculiar office of Director of Public Prosecutions, and it had required that the responsibility should be in the hands of the Home Secretary. He thought the House of Commons was quite right in doing that. The positions of the Home Secretary and the Attorney General in the administration of the Criminal Law were essentially different. The Home Secretary was the head of a great Department, and was responsible to Parliament for the general system of the administration of the Criminal Law of the country, and the Attorney General was not. The Attorney General was responsible only for the way in which he discharged the duties of his own Office. He had never heard of patronage of this description being placed in the hands of the Attorney General; and while the Secretary of State could be called to account in Parliament for the manner in which he had exercised it, it would not be so with the Attorney General.

LORD SELBORNE said, that the administration of justice in this country was in a somewhat anomalous position as regarded public officers, the functions which should be vested in a single

Minister of Justice being at present distributed over four different Departments. The Lord Advocate of Scotland discharged similar functions to those which his noble and learned Friend proposed to give the Attorney General for England. The proposal of his noble and learned Friend (Lord Coleridge), therefore, was in accordance with that precedent. If English precedents were regarded, the Judges in England were all appointed, not by the Home Secretary, but by the Lord Chancellor or the Prime Minister. The Lord Chancellor—who, if anyone, was the chief Minister of Justice—appointed all the unpaid magistrates, both in boroughs and in counties; and the Treasury, not the Home Office, appointed the Crown Solicitor, by whom all Government prosecutions, and other legal business of a contentious kind, were conducted.

On Question? Amendment *negatived*.

Clause *agreed to*.

Clause 3 (Establishment of office of Director of Public Prosecutions) *agreed to*.

Clause 4 (Qualifications of Director of Public Prosecutions and of Assistants).

LORD COLERIDGE said, the clause provided that the person appointed to be the Chief Director should be either a barrister-at-law or a solicitor of the Supreme Court of Judicature. He thought this an office which required the highest legal training; and he should, therefore, move that the appointment should be restricted to members of the Bar. The matter was different as regarded the Assistants, and he did not desire to interfere with them.

Amendment *moved*, line 22, leave out from ("be") to the end of the clause and insert—

("In the case of the Director a barrister-at-law in actual practice and of not less standing than ten years, and in the case of an assistant a barrister-at-law or a solicitor, of the Supreme Court of Judicature in actual practice and of not less standing than seven years. Neither the Director of Public Prosecution nor any assistant of such Director shall directly or indirectly practice in their profession except in the discharge of their duties under this Act.")—(*The Lord Coleridge*.)

THE LORD CHANCELLOR said, he could not accept the Amendment. There was no reason why the office should be absolutely restricted to members of the Bar.

Amendment *negatived*.

Clause *agreed to*.

Remaining clauses *agreed to*.

Amendments made: the Report thereof to be received *To-morrow*; and Bill to be *printed* as amended. (No. 121.)

CHILDREN'S DANGEROUS PERFORMANCES BILL.—(No. 64.)

(*The Earl De la Warr.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE EARL OF SHAFTESBURY said, he was ready to accept the Bill so far as it went; but it fell very short of a perfect Bill. In preventing only such performances as were, in the opinion of a Court of Summary Jurisdiction, dangerous to life and limb, it failed to reach the case of children trained in what was called in the slang terms, the "back slide trick." This training commenced when the children were very young, and taught them to completely hoop their bodies. This was neither dangerous to life or limb; but yet it inflicted an immense amount of torture upon the unfortunate victims for the amusement of the people, and was a fearful detriment to their health and strength in after years. It was a disgrace to our civilization that such a thing should be allowed to go on with the sanction of the law. The whole thing might be got rid of if the age was extended from 14 to 17 years of age. This, by retarding the period at which the beginning of the public performance could take place, would render the expense of the preliminary training so great that it would put a stop to much of these painful and degrading exhibitions.

EARL DE LA WARR was willing to modify the prohibitory clause in the direction pointed out by the noble Earl.

EARL BEAUCHAMP pointed out that no Notice had been given of this suggestion, and as such an alteration would interfere with a large class of persons who at present obtained their livelihood by these performances, he trusted the House would not agree to it.

THE BISHOP OF CARLISLE said, the proceedings upon this Bill had been postponed from time to time, and no *bond fide* debate had taken place upon it. He would support the Bill as it stood; but

he thought that if it had been dealt with in a more business-like manner it might have been a much better one.

House in Committee.

Clause 1 (Short title) *agreed to*.

New clause inserted after Clause 1—

(Commencement of Act.)

("This Act shall not come into operation until the first day of January one thousand eight hundred and eighty, which date is herein-after referred to as the commencement of this Act.")

Clause 3 (Employment of child in dangerous performances prohibited).

Amendment made, in line 10, after "any person" the words—

"Being the owner or manager of a circus, or exercising the profession of a gymnast, rope-dancer, or athlete, or any similar profession,"

struck out.

Line 12, strike out "for the purposes of such profession;" line 15, strike out "be dangerous to life and limb," and insert "the life or limb of such child shall be endangered;" line 19, omit "a penalty not exceeding five pounds," and insert "a penalty not exceeding ten pounds;" at end of clause insert—

("And where by reason of such employment any accident causing actual bodily harm occurs to any such child, the employer shall be liable to be indicted as having committed an assault occasioning actual bodily harm, and to be punished in manner provided by section forty-seven of the Act passed in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred, intituled 'An Act to consolidate and amend the Statute Law of England and Ireland relating to offences against the person;' and, moreover, the court before whom such employer is convicted on indictment shall have the power of awarding compensation to be paid by such employer to the child for the bodily harm so occasioned; provided, that no person shall be punished twice for the same offence.")

Further Amendments made: the Report thereof to be received on *Tuesday* next; and Bill to be *printed*, as amended. (No. 122.)

INDIA (FINANCES, &c.)

PETITION. OBSERVATIONS.

THE EARL OF NORTHBROOK rose to call attention to the condition of the finances of British India, and to present a Petition from the Committee of the British Indian Association at Calcutta. In doing so, he thought it right, by way of preface, to state that the views

he was about to express were his own individually; that he had not put himself in communication in reference to the subject with any of the noble Lords around him with whom he usually acted; and that nothing was further from his desire than to comment in a hostile spirit upon the general financial action of the Government of India, whose difficulties he was, perhaps, better able to appreciate than most of their Lordships. He would take, for the purposes of comparison, two periods of Indian finance—first, the four years from 1872 to 1875; and, secondly, the four years from 1876 to 1879—omitting, as everyone was bound to do who wished to consider Indian finance fairly, the expenditure on reproductive public works. In selecting those periods, he had not been influenced by any personal considerations. He was not responsible for the finances of 1872—and he was responsible for the Budget of 1876. During the first period the Government had to meet a famine which cost £6,500,000, and in the end there remained a surplus of about £2,000,000; so that if, had there been no famine, the surplus of the four years would have amounted to about £8,500,000, or at the rate of more than £2,000,000 a-year, notwithstanding the modification or abandonment of various taxes, and without taking into account some 30,000 chests of opium of which the Indian Government were in possession, and which might be considered an important asset. During the four years from 1876 to 1879, the Government had to meet a famine which, according to the statement of the Finance Minister, cost £9,500,000, and there was a deficit of £5,750,000; so that, if there had been no famine, the surplus of the four years would have amounted to £3,750,000. Meanwhile, however, taxes had been imposed to the amount of some £3,000,000. Therefore, speaking broadly, if no fresh taxation had been imposed, the revenue of the four years would have been only just sufficient to meet the expenditure, without leaving any surplus to provide for the cost of the famine. The Government of India had always, and very properly, recognized the necessity of providing against the famines which had, unfortunately, become so frequent in India, without increasing the debt—yet, during the last four years, that has not been

done. The statement he had now made would, he believed, be sufficient to satisfy their Lordships that the condition of Indian finance was deserving of serious attention. At the same time that taxation, the receipts from which amounted to £3,000,000 during the four years, had been imposed, some remissions of taxation had been made—there had been an alteration of the salt duties, and the Customs import duty on cotton manufactures had been reduced. Into the substantial merits of the latter question he would not enter. No one could suppose he would defend protection to the industry of India, which would be wrong in principle, and he was not complaining of the remissions themselves; but he entertained very strong objection to the time and manner in which these remissions had been made. He had imagined that the policy of the Government had been made sufficiently clear. The noble Marquess the Foreign Secretary, when he was at the India Office, over and over again, in speeches, in despatches, and in Minutes, stated that, however desirous he might be to get rid of anything which savoured of protection in the Indian Customs duties, the reform could be carried out only when the state of the Indian finances enabled it to be done without the imposition of fresh taxes. The same opinion had been publicly expressed by the present Governor General shortly after his arrival in India. The Finance Minister, Sir John Strachey, in introducing the Budget of 1877, said that the financial difficulties were so serious that no source of income could be sacrificed. The Resolution passed by the other House of Parliament in 1877 was to the effect that the duties should be reduced when the Revenues of India would permit of it. When the Budget of 1877 was introduced into the Legislative Council of India, the finances were not in so critical a condition as they were found to be in the winter of that year; for it was at first supposed that the Madras Famine would not cost so much as it ultimately did. In December, 1877, the Government of India found themselves compelled to anticipate the usual Financial Statement of 1878, and to introduce to the Legislative Council proposals, which were adopted, for imposing taxes to the extent of about £1,000,000 a-year, to provide the funds

necessary for meeting out of income the expenditure upon famine. No intimation was given at that time that it was intended to remit any taxes or Customs duties; and what Sir John Strachey then said was—

“How soon, and to what extent we shall be able to carry out the important, and, in my own opinion, most necessary reform in regard to the cotton duties which has now been enjoined upon us by Her Majesty’s Government, supported by a unanimous vote of the House of Commons, I am now unable to foresee.”

It was clear that up to that time the policy of the Government was that it would be wrong to undertake the reform of the Customs duties until the state of the finances enabled them to do so without imposing fresh taxation. In dealing with the finances of any country, it had always been recognized as a fundamental rule that, however right in principle Customs or other reforms might be, they ought not to be carried out unless the condition of the finances enabled it to be done without risk. Notwithstanding this, only three months after the discussion in the Legislative Council—namely, in the beginning of March, 1878—notwithstanding the assurances which had previously been given, the Government of India undertook the reform of the Customs duties; and, as part of that reform, a reduction was made in the import duties upon cotton manufactures. That reduction was still further increased in 1879, and the reduction then effected would involve a loss to the Revenue of £200,000 a-year, or more. He deeply regretted the change in the policy of the Government, and their departure from the position that the reduction of the duties ought to be postponed until the finances of India would allow of its being made. An endeavour had been made to separate the remission of these duties from the imposition of the new taxes, which were solemnly pledged to be devoted to the creation of a Famine Insurance Fund; but the taxes were put on in December and the remissions were made in March, and it was impossible to dissociate the one from the other. He was sorry to say that the effect on public opinion in India was to produce the impression that advantage was taken of the new taxes to reduce the Customs duty upon cotton manufacturers, in consequence of the pressure put upon the Government

by an important manufacturing interest in this country. Numerous public addresses showed that this was the opinion of the educated Natives of India, and of the European commercial community; and that it was the opinion of the mass of English Civil servant, was shown by Sir Alexander Arbuthnot, the senior Member of the Council of the Viceroy, who said that there were not a dozen officials in India who did not believe that the reduction had been made, not for the interests of the people of India, but in consequence of the pressure put upon the Government by a great interest in this country. What had been done had been done on the responsibility of Her Majesty’s Government, and he (the Earl of Northbrook) did not attribute any improper motive to them; but he asserted the fact that what had been done had produced this deplorable impression. This was no question of Party, and the pressure had come fully as much from Liberal as from Conservative Members of Parliament. While he deeply regretted the time at which, he more deeply regretted the manner in which, this policy had been carried into effect. The Government of India, both at home and in India, was a matter that had often been considered by Parliament; and, while full power over Indian affairs was given to Her Majesty’s Government on the responsibility of the Secretary of State, care was taken to associate with him Indian statesmen, to be consulted on all ordinary matters of Indian policy, and more especially upon matters of finance; but whose opinion, excepting under peculiar circumstances, he could, in the exercise of his responsibility, if necessary, overrule. Now, to the best of his (the Earl of Northbrook’s) knowledge and belief, the last remission of the Customs duties on cotton goods had not been put before the Council of the Secretary of State in such a form as to give them an opportunity of expressing an opinion upon it. The responsibility of the act having been admitted to be with Her Majesty’s Government, who originated the measure, he still doubted whether the conditions of the Government of India Act had been fulfilled, and whether the orders given to the Government of India instructing them to carry out the change ought not, as a matter of law, to have been communicated to the Se-

cretary of State's Council, in order that they might have had an opportunity of expressing an opinion upon them. The Council at Home having been, as he believed, passed by in this matter, he regretted to say that, in his opinion, a considerable strain had been put upon the Constitution of India in the manner in which the measure was carried out in India. The government of India in India was not an absolute government by a Viceroy; it was vested by the wisdom of Parliament in the Governor General in Council, and it was only in certain specified cases that he had the legal power to overrule the majority of that Council. The 5th section of the Act of 1870, which dealt with the point, was as follows:—

"Whenever any measure shall be proposed before the Governor General of India in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are, or may be, in the judgment of the said Governor General, essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in Council then present shall dissent from such opinion, the Governor General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution."

He was far from saying that the Governor General had acted illegally in taking advantage of that clause; but it seemed to him to be exceedingly difficult to understand by what process of reasoning—considering the condition of finances of India, and the feeling on the subject which was entertained by the whole population of India, European and Native—the reduction of the import duties on cotton manufactures could have been construed as a measure "whereby the safety, tranquillity, or interests of the British Possessions in India" were so "essentially affected" as to require so great a strain on the Constitution. He contended that the power which had been given to the Governor General was intended by Parliament to be used only on the most important occasions; and if, upon any ordinary occasion, the opinions of those who were by law the advisers of the Governor General might be set aside, he looked, he confessed, with apprehension to what might occur in the future. A Secretary of State might, like the noble Viscount opposite (Viscount Cranbrook) have not been

many months at the head of the India Office—a Viceroy might have arrived in the country on the very day before a question such as that to which he was now calling their Lordship's attention was brought before him—and it was very dangerous indeed, he thought, that the advice of the Council at Home should be passed by, and that a certain line of policy should, by order of the Secretary of State to the Viceroy, be carried into effect, while, at the same time, the opinion of the majority of the Council in India was overruled.

He wished that was all he had to say on the subject; but he regretted to have to add that in carrying out the measure to which he was referring, a strain appeared also to have been put on the law in India. On that subject he could quote the highest authority. Among the Members of the Viceroy's Council was one who had been appointed for his legal qualifications, and who was the Legal Member of the Council (Mr. Whitley Stokes). That gentleman was appointed by the present Government, and had no political opinions of which he was aware. Well, what was the view taken by that gentleman of the matter? The question was of so much importance that he should read to the House his own words. He said—

"Lastly, I object to the way in which the proposed change in the law is to be effected. The Viceroy, as I understand, intends to overrule the majority of his Council, and to make the proposed exemption by Executive order, in the Revenue Department, under Section 23 of the Sea Customs Act. Such an order is, no doubt, authorized by the terms of that section. But the Indian Legislature, in conferring on the Executive power to make such exemptions, never intended that it should be exercised so as to make suddenly a vast change in our law, affecting not only the importers and consumers of the particular class of goods dealt with, but the taxpayers of India in general—a change that will not only seriously diminish our present Revenue, but force the hand of the Legislative Council by compelling them to impose new direct taxation. The power to exempt goods from Customs duties was originally conferred by Act 18 of 1870, and was merely intended to relieve the Executive from the useless and troublesome formality of coming from time to time to the Indian Legislature to make in the tariff petty alterations which that Legislature, if applied to, would have made at once. The change now proposed is of a very different character. I have reason to think it would never be sanctioned by the Legislative Council, unless, indeed, arguments were brought forward in its favour far more cogent than those that I have heard. The proposed exemption of cotton

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goods, if made by a mere Executive order, will thus resemble what lawyers call a fraud on the power; and there is, unfortunately, no Court of Equity to relieve the people of India against it."

That opinion, coming from the Legal Member of his Council, ought, he thought, to have had great weight with the Viceroy, and to have induced him to pause before he took the course which he adopted. Without discussing the merits of the measure, he contended that, from the first moment to the last, though no actual illegality might have been committed, the Constitution of India had been strained, the checks which had been placed by Parliament on the Government of India had been dispensed with, and sufficient attention had not been paid to the strong feeling of the Natives of India on a matter which, to them, appeared to be a departure from the system of government to which they had been accustomed, in accordance with which the interests of the people of India had always been held to be the paramount object with the Government of that country. He wished to add only a very few words more on the subject. He had observed, with very great regret, that the following Resolution had been passed by the other House of Parliament, at the suggestion, he believed, of the Chancellor of the Exchequer:—

"That this House accepts the recent reduction in these duties as an important step towards their total abolition, to which Her Majesty's Government are pledged."

With the utmost earnestness, and with the strongest sense of responsibility, he must warn the Government against the danger of encouraging the passing of Resolutions like that, which prospectively affected Indian finance, and on the representations, too, of those who happened to be interested in a particular tax. If the interests of the people of India were to be considered, there were many taxes that pressed heavily on the people which ought to be remitted before the remission of the remainder of the cotton duty. There were export duties upon important articles of Indian produce which remained only because, up to the present time, the Government of India had, in consequence of the condition of finance, been unable to remove them. During the last few years heavy taxation had been introduced into India. There was a licence tax, to which even a man

who earned but 4s. a-week was liable. If such Resolutions as that recently passed by the House of Commons were encouraged by Her Majesty's Government, a responsibility would be adopted by Parliament with respect to Indian finance which must be serious, and which might be disastrous to the Indian Empire.

He now turned, with pleasure, to another part of his task, in which he could cordially approve of the policy of Her Majesty's Government. There had been, as he had shown before, for some years past, a deterioration of the finances of India. One of the causes was the depreciation of silver, which had cost the Indian finances £7,000,000 more in the four years from 1876 to 1879 than in the preceding four years. That depreciation was beyond the reach of the province of the Government to remedy. The next cause was the military expenditure, which had increased by £6,500,000 in the same period. On the other hand, the Government had gained £1,500,000 by the sale of opium, and £2,000,000 from a great increase in the returns from the guaranteed railways. He thought the Government had adopted the right course in insisting that such a condition of things should be met by a vigorous reduction of expenditure; but it was essential that such reduction should include the military expenditure. The net expenditure upon the Army was estimated at £17,500,000 for the year 1879. The average net expenditure upon the Army in 1872-3-4-5 was £14,250,000. The increase of expenditure in that respect was, therefore, £3,250,000. Of that sum of £3,250,000, £2,000,000 represented the expenses of the Afghan War; so that, besides the war in Afghanistan, the military expenses had increased by £1,250,000. He saw no reason why, if the military expenditure were seriously taken up, the cost of the Army in India should not be reduced to the average expenditure of the years 1872-5. If such a reduction could be carried out—and he believed it could be—it would go a very long way towards placing the finances of India upon a sound and satisfactory basis, and, instead of there being a deficit, as there was expected to be this year, there would be a surplus. As to military expenditure, he adhered to what he had stated upon other occasions,

that the British Forces could not be wisely reduced, and he did not see that any considerable reduction could be made in the Native Forces. It had been proposed to compel the Native Princes to reduce their Armies, and it was supposed that that reduction might enable the Government to reduce the Native Army of India. He should be glad to see the Armies of some of the Native States of India reduced—not that he entertained the slightest suspicion of the loyalty of the Native Princes of India, but because he objected to a waste of money upon military establishments. The maintenance, however, of those Forces, in almost every case, depended upon Treaty engagements; and the Government of India ought to adhere faithfully, under all circumstances, to the Treaty engagements they had entered into with the Native Princes. He was sure the noble Viscount the Secretary of State would find in the India Office suggestions that considerable reductions could be effected without impairing the efficiency of the Army in certain Departments—for example, in the Medical Service and the Ordnance establishments. He thought, moreover, that the expenses of the Head-quarter Staff of the Madras and Bombay Armies might be revised with advantage, without, however, amalgamating those Armies with that of Bengal. He approved of the proposal to reduce the expenditure on reproductive public works. But it was a mistake to suppose that the expenditure on those works had greatly increased in recent years, because the fact was that it had been less than before. A reduction in the expenditure on reproductive works might be effected with perfect safety, provided it were not done too quickly. He was not sanguine as to the possibility of making any large saving in ordinary public works, and he hoped the noble Viscount the Secretary of State would take care that reduction was not carried out too hastily, otherwise, for the purpose of securing a saving in the year, considerable loss might be incurred. He knew cases in which this had happened, and even compensation had to be paid to contractors in respect of postponement of works. Some reduction might be effected in the civil expenditure; but already there had been great economy in the civil expenditure. Between 1869 and 1876, the civil expenditure had been reduced, as Sir John

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Strachey had shown, by no less than £1,500,000. It was, therefore, a mistake to suppose that the Government of India had been extravagant with regard to civil expenditure, and that it required the control of the opinion of Parliament at home. The present Governor General had taken up, with great warmth and energy, the question of employing Natives more extensively in the administration. In 1870, the restrictions on the employment of Natives were removed by Parliament; and he (the Earl of Northbrook) had framed rules, which were approved by the Secretary of State, for carrying the intentions of Parliament into effect. He hoped to see the policy he had inaugurated carried further, and that many Natives would be employed, with the contingent advantage of some reduction of expenditure. He was one of those who thought there was nothing wrong in Natives of India being employed at lower rates of salary than English officials. They were not subject to the same expenses as officers coming from a distant country; and, therefore, their salaries might fairly be calculated upon a lower scale. If reductions were made in civil expenditure, it was desirable that they should not be confined to the lower branches of the Service, by cutting off a clerk here and a clerk there; but that the Government would look at the high officers, with large salaries, and see whether some reduction could not be made there. With the view of assisting the Government, as he was anxious to do in all matters relating to reduction of expenditure, he would suggest that the Government might begin so high as the Constitution of the Government of India. When he was Viceroy, the noble Marquess (the Marquess of Salisbury) added a Member to the Governor General's Council. The duties of the new Member were connected with public works. He (the Earl of Northbrook) did not consider that addition necessary, or, indeed, advisable. The able officer who had been appointed to the charge of the Department had now nearly served his five years; and it might be suggested now whether, at the end of the term, it was necessary to continue the appointment. If it was not, then there would be a saving of £8,000 a-year. There were other positions high up which might be well considered, and as to which advantage

might be taken of the present pressure to get over local difficulties and jealousies which very often stood in the way of administrative reforms of the kind. He considered that it might be desirable to examine whether the expenses of the Governments of Madras and Bombay might not be reduced. The Governments of Madras and Bombay were maintained on a much more expensive scale than the Governments of Bengal, the North-West Provinces, and the Punjab, which were not inferior in responsibility and importance at the present time, when communication was much more rapid than formerly. He, therefore, invited the Government to consider whether a large reduction might not be made in the higher appointments connected with those Presidencies. But, while he considered that those reductions might be made, he did not consider that any reduction ought to be made in the pay and allowances of the officers of the Civil Service of India, who were doing the real work of the country. He meant the collectors and magistrates, upon whom the proper administration of India mainly depended. Their salaries were not too high, and their numbers were by no means too great. Looking at the reductions proposed by Her Majesty's Government, he believed, if they were firmly carried out, especially in the Military expenditure, both here and in India, Indian finance would be placed in a satisfactory position. He hoped the depreciation in the value of silver might before long be removed; and a slight alteration in the exchanges would make a considerable difference to the finances of India. Upon this subject he desired to express his entire and hearty approval of the conduct of the Government in respect to certain proposals which he understood were made for an alteration of the standard of value in India, for the purpose of giving an artificial value to the rupee in India. Knowing, as he did, the pressure put on Her Majesty's Government, and the great difficulties they had to contend with in this matter, he desired to express, not only his warm approval of the decision arrived at not to interfere with the standard of value in India, but his conviction that the Government deserved great credit for their firm action in this matter. It was probable that the

result of that decision would be to have a favourable effect on the exchanges. He was, however, surprised that the Government had not taken off the duty now imposed upon the importation of manufactured silver into this country, which produced a paltry sum to the Revenue, but the removal of which might have increased the demand for silver, and have done something to keep up its price. He was not one of those who partook of the gloomy anticipations of some, for whose opinions he had great respect, with respect to the future of the finances of India. For himself, he believed that, with economy and care, if it should not be considered necessary to engage in any new wars, the finances of India would soon recover comparative prosperity. He based that view on reasons similar to those which induced Mr. Wilson to entertain sanguine anticipations with regard to the finances of India when he went to India as Finance Minister after the Mutiny—namely, the steady progress of the trade of India.

Before sitting down, he desired to present a Petition from the Committee of the British Indian Association of Calcutta, which consisted of noblemen and gentlemen resident in Bengal. These noblemen and gentlemen included some of the most distinguished among the Native population. Several of them were Members of the Legislative Council of the Viceroy, or occupied positions of the highest importance. They prayed that the expenses of the Afghan War should be borne by this country, and not by India, and they dwelt at length on the circumstances connected with the subject. Under other circumstances, he might have felt it necessary to move that the Petition which he presented, together with other Papers, might be printed and placed in the hands of Members of their Lordships' House; but as the question was one which more particularly concerned the other House of Parliament, and for some further reasons, he would be content with moving that the Petition which he presented do lie upon the Table.

Moved, "That the Petition do lie upon the Table."—(*The Earl of Northbrook*.)

VISCOUNT CRANBROOK said, he had little to complain of in the address their Lordships had just listened to from the

noble Earl, with whom he agreed very much in thinking that the finances of India were by no means in so desperate a condition as was represented by some persons both in and out of Parliament. He believed that both the wealth of the country and the circumstances that had led to the present depression were of a character that would ultimately and inevitably lead not merely to the establishment of equilibrium of Revenue and Expenditure, but also to the creation of the financial surplus necessary to provide against a recurrence of Famine. In regard to the Petition which the noble Earl had presented, he did not propose to go at length into a discussion of the questions with which it dealt. He might, however, say that it would, in his view, have been prejudicial alike to the interests of this country and of India if the cost of the war in which we had recently engaged with Afghanistan had been thrown exclusively upon England; it was, indeed, a war which affected India materially, though he would not say exclusively. If an account were taken of English outlay which arose from connection with India it would be found very large. He thought that, except in circumstances of the most extraordinary character, it would be desirable to keep the Revenues of this country and of India entirely separate; and he was bound to say, for his own part, that he considered that the English Government had done all that could be expected of them in making the large loan of £2,000,000 to India on the most favourable terms possible. This was a course which he believed, in the long run, would prove more advantageous to India than any other which could have been adopted. As to the question of silver, any discussion on that subject would scarcely be apposite to the Petition which the noble Earl had presented, inasmuch as he could not admit the intimacy of the relations which were supposed to exist between manufactured silver and that which was used in currency; and, therefore, he could not conceive that the small amount of silver plate imported into this country could have any appreciable effect upon the immense mass of silver in currency in India. He had strong doubts whether the difficulty which undoubtedly existed in reference to this matter of the exchanges could be effec-

tually cured by means of the subtle, artificial, and empirical remedies which had been suggested in some quarters. If artificial means were adopted in a case of the kind, and the Government gained, the inevitable result must be to saddle some persons who ought not to bear it with the loss involved; and, therefore, for this, if for no other reason, a resort to such means ought to be avoided. He now came to a part of the case as to which there was hardly any difference of opinion between himself and the noble Earl. The noble Earl had gone into the wide question of retrenchment. He had suggested measures in regard to the Governments of Madras and Bombay. As to Bombay, it was one of the most important cities of India, and might be said to be connected with the beginning of our rule in India, and was, besides, the headquarters of a rapidly developing trade. Then, whether there might not be reductions in the Council and other official Departments, that was a proper subject for inquiry, and one which, no doubt, would be inquired into. Then, as to the Departments under the Governor General, he had anticipated the noble Earl's suggestion as to the Department of Public Works by expressing his opinion that the office should not be renewed when the tenure of the present holder expired, and that the Department should not be placed under the charge of a professional engineer. It was, undoubtedly, a proper consideration whether other economies could not be effected in the cost of the official Service and Departments in India; and he had himself suggested several ways in which such savings could be accomplished, so that he thought the House might make its mind easy that this branch of the question would not be overlooked by Her Majesty's Government. Their Lordships might also accept his assurance that the employment of Natives in the Public Departments, and also the question of productive works and works of an ordinary character, would not be lost sight of. It was, no doubt, essential that some reduction should be made; but that reduction must not be made too hastily, or as a mere question of present saving of money, without careful regard to future expenditure, lest that result might be brought about

against which the noble Earl had warned them, and which would be injurious rather than beneficial. The Government of India was perfectly alive to the importance of that fact. He was very glad to hear the noble Earl say that he was opposed to an amalgamation of the three Armies. He (Viscount Cranbrook) believed there could not be a more disastrous thing for India than to make the three Armies into one. It would, indeed, be a fatal measure, the consequences of which at this moment they could not foresee. It was their imperative duty, however, to take care that each Army had a fair share of employment, and that it was placed in a position where honour and credit could be won whenever the occasion might arise. In regard to the other portions of the military question, the Committee had been already appointed, and would, he had no doubt, give them careful consideration. Though he did not expect there could be any reduction in the British Forces, as the noble Earl said, nor any great reduction in the Native Armies, there were still a great many subjects connected with military expenditure which might well be considered. As far as the Indian Army was concerned, he agreed in thinking that the troops employed in the different Presidencies should be kept apart as far as matters of management and otherwise were concerned. He now came to what was really the main part of the noble Earl's speech. The noble Earl commenced by saying that he was not going to make an attack on the conduct of the Governor General, or to impugn his action. He (Viscount Cranbrook) was perfectly aware that the observation must be taken *cum grano salis*, and his impression received an immediate justification when the noble Earl proceeded to animadvert strongly upon the course of policy which had been pursued by the Government in reference to the cotton duties. Now, in respect to the comparison of the four years with which the noble Earl commenced his speech, there was very little to be said. The main difference between this year and those is a greater Famine expenditure, and a larger amount of loss by exchange. A great deal had been done in recent years with respect to alterations in finance. Now, in the Financial Statement of the present year would be found a quotation from the Financial State-

ment of last, which showed that at that time the Indian Government had already determined that there should be no protective duties wherever they could remove them. Instructions were given by his noble Friend (the Marquess of Salisbury), as early as 1874, that the cotton duties should be taken into consideration; and in a despatch, dated May 31, 1876, his noble Friend said—

“With regard to the question as it affects consumers or producers, I am of opinion that the interests of India imperatively require the timely removal of a tax wrong in principle, injurious in practical effect, and self-destructive in its operation.”

The tendency of the tax was to give an absolute monopoly to India, and it was because there was growing up an artificial protective system that it became necessary there should be some interference. If, as seemed probable, that protection excluded certain classes of goods, the duties would fall off and abolish themselves. The sugar duties had already been abolished—a step to which no one had taken exception. With respect to the salt duties, to which reference had been made, he hoped the period would soon arrive when we should be able more thoroughly to equalize them, and to reduce them to that amount which all Indian financiers had looked forward to as the final result. At present the changes worked well, and there was an increasing demand where for the vast majority they had been lowered, and no falling off where for the minority they had been increased; and he hoped that the time was not distant when all would be fully and cheaply supplied. The noble Earl had objected to the time and manner in which the protective duties upon cotton of which he spoke had been reduced. He must recall to his noble Friend's recollection what had been done. In 1876 it was impressed upon the Government of India, in language quite as strong as that he had already quoted, that they should take the earliest opportunity of removing by degrees the taxes upon the import of cotton; and in 1878 a tentative step was taken in that direction, as regarded certain of the coarser goods, by reducing the duties on those articles. This was done with the full consent of the Council and of the Secretary of State, and was in conformity with the opinion of his noble Friend, which he had already

quoted. The tentative measure to which he alluded was, no doubt, a very small one; but it would, it was thought, have reduced the duties by some £40,000 a-year, and it was supposed to meet the most oppressive part of the case. But what was the result? It satisfied nobody; it gave offence in India, and it did not meet, to any extent, the complaint in England. In the beginning of the present year a deputation came to him (Viscount Cranbrook) from Lancashire on this subject. It was a very large deputation, and, as indicating its character, he might mention that its spokesman was an advanced Liberal. The deputation expressed, in very forcible terms, their opinion of the protective duties of which they were speaking. He (Viscount Cranbrook) gave the members of that deputation no further encouragement than had been given by his Predecessor; but promised, as had been done before, to urge the same policy, leaving India to take the initiative. Not long after that he received a telegram from India, asking whether, if the Viceroy overruled his Council on this point—as regarded a reduction of the duties—the Government at home would support him? He consulted with his Colleagues, and telegraphed back that they would support him. Their Lordships must remember that the policy which was thus sanctioned was no new policy, but a policy which had been adopted by the Council; it was a policy enforced by his noble Predecessor (the Marquess of Salisbury), and the Government of India had practically taken the initiative with respect to it. What had been done last year, however, resulted in failure; and as protective duties continued to exist, tending more and more to exclude English manufactures from India, it might be with some the policy of this country to allow India to set up a protective system to the detriment of the manufactures of England; but he could not describe it as a wise policy. If we had Free Trade in England, he thought we had a right to ask for Free Trade in India. We took into consideration the state of manufactures in this country, and we could not disguise from ourselves that masters and workmen felt irritated at the fact that mills were closed or working short time, believing that it was wholly or partly an effect

of the protective system in India—and when we were asked whether the Government would support the Viceroy in carrying on a policy, long ago decided upon, we at once said that we should do so; and he believed that course to be in harmony alike in the interests of England and of India. It had been said that the remission of these duties was an injudicious measure in the present financial condition of India. But in regard to the financial condition of that country we must look, not only to the present state of India as regarded finance, but to her past and future. The past, as he had already said, had been most materially affected by the condition of exchange—which, in its turn, very injuriously affected the trade of importation into India. That condition got worse and worse; and it was only on account of that fact that a surplus was prevented this year. That being so, the Viceroy in Council came to the conclusion that the time had come when these protective duties, which were pressing against imports, and coddling, as he might say, an industry which ought, and he believed could, support itself without artificial aid in India, ought to be got rid of—or, at all events, that the most strongly protective part of the duties ought to be removed. They created in that country a fictitious value on cotton goods, and it was distinctly in the interests of the vast consuming populations of India that the duties should be reduced. When he was told to look at the protests of Members of the Governor General's Council which had been presented to Parliament, he could not help reading between the lines, and fancying that these gentlemen—or, at all events, some of them—were Protectionists. The manufacturers of Lancashire asked only for fair play, and that was the principle upon which we had acted. Mr. Stokes, who opposed the step taken by the Viceroy, said what was equivalent to this—that by the remission of the cotton duties the Manchester manufacturers would, in the absence of competition, be able practically to compel the people of India to buy cotton goods adulterated more shamefully than at the present time. He went on to say that it was an imaginary protection; but he added that if it was taken away the result would be the destruction of a local industry. Such language was

Viscount Cranbrook

hardly calculated to decrease the irritation in Lancashire, which was charged with desiring monopoly. Well, but was a monopoly in Manchester worse than a monopoly in Bombay? What was asked for England was nothing more than fair play. Bombay might send goods to England without paying duty; and yet England, which legislated for India, was not to have the right to say that India should not use protective duties, and that to the detriment of her own consumers, who were, for the most part, poor people. But he was told that all the people of India were against what had been done. The noble Earl opposite (the Earl of Northbrook) would not deny that there was a time when the people of England were opposed to Free Trade. For his own part, no one more heartily wished and prayed that India might increase and prosper in all her industries—as she deserved to do—by means of the earnestness of purpose and the ability shown by many of her children. They ought not, however, to favour her unduly in her competition with England. The Government, he contended, were perfectly justified in the course they had adopted, because the loss in the matter of exchange was really the impediment to a surplus, and was itself working so as to be almost prohibitory of the export of our manufactures. But it was said that the change was made, if not in an illegal, in an unconstitutional manner. Such was not the opinion of Mr. Stokes, who said that the change was authorized by the Act, although he added that it could not have been within the intention of the Legislature. It was a step which was by no means new, for it had been commenced last year by the Governor General in Council, and, in carrying it further, the Viceroy had acted within his power. With respect to the Council at Home, he (Viscount Cranbrook) did not commit them in any way by the answer he had telegraphed to the Viceroy. The noble Earl would find that the Budgets were almost without exception always made in India. They were sent to this country for the consideration of the Secretary of State in Council; and the question now raised would come before the Council, who would have a full opportunity of expressing their opinion in reference to it. Then the noble Earl referred to the Resolutions of the House of Commons.

But the noble Earl must know that that House, by an almost unanimous vote, supported the course taken by the Government. What they had done had been practically condoned by the House of Commons. They had not only said that the Government commenced well, but they urged them to go further in the same direction. Then, as to another point which had been referred to—his own conduct in communicating with the Viceroy without the advice of his Council—there was a Return on the Table of the House, moved for by the Duke of Argyll, who was not then present, and which showed the view the noble Duke had taken as Secretary of State. It would be absolutely impossible to carry on the government of India if the Secretary of State was not to be at liberty to communicate privately, by telegram or otherwise, with the Viceroy of India. What were his Council? They were not a Cabinet selected by the Secretary of State; and was the Secretary of State to reveal to them the secrets of the Cabinet at Home? It would be impossible to carry on business in that way. He thought he had met all the objections put forward by the noble Earl. It was admitted by the noble Duke that the Viceroy was within his right in the step he had taken. He would have been within his right even if he had made no communication to the Government at Home; but it was only reasonable that he should ask the Government at Home whether they would support him in a measure which he felt to be one of high policy, and which was necessary in the interests of India. Her Majesty's Government told him that he might rely on their support; and in sending the telegram to the Viceroy, he (Viscount Cranbrook) had acted in conformity with a usual and necessary practice, and he had the authority of the most eminent Legal Member of the Council (Sir Henry Maine) to that effect. He would not go into the question as to taxes, which might, as was said, with greater advantage have been repealed. He quite agreed that export duties were very objectionable. That observation applied, of course, to the export duty on rice; but the effect of that particular duty on the trade of India might be said to be nothing whatever. India had a monopoly so far as the trade in household or table rice with this country was concerned. To have

abolished that duty would not really have affected the trade in any way. He was much indebted to their Lordships for the patience with which they had heard him while he endeavoured to deal with a dry, though very important, subject; but he thought they would say that the course adopted by the Government was one which was taken in the interests of our great Indian Empire, and not only for the advantage of the manufacturing interests of this country.

LORD LAWRENCE, who was very imperfectly heard, was understood to say, that the deficit in the Indian Revenue for the last three years had been upwards of £3,000,000, and, adding to this the expenditure on reproductive works, the deficit was brought up to about £7,000,000. When the extreme poverty of the people of India, and the fact that a large portion of the country was liable to severe Famines, were taken into account, it could not be doubted that the burden of taxation was very great. It was of the greatest importance that they should endeavour to make the two ends meet; and, therefore, he thought the reduction of the cotton duties was an imprudent step, having regard to the financial straits of India, and the difficulty of meeting new emergencies by new taxation. It would be easier to raise £20,000,000 in England than £2,000,000 in India. Considering how much India was dependent on agriculture, and how small her trade compared with her population, it seemed to him that the financial perils of India were great, and that the most careful and economical administration was required to obviate them. With regard to the reduction of the cotton duties, the promise held out to those who clamoured for the remission was that it should be made when the finances of India were in a condition to bear it; but that time had certainly not come, and he thought the Governor General ought not to have gone out of his way to anticipate the decision of Parliament on the subject. It was a vital question whether the Secretary of State should have the power of carrying on the business of the government of India without consulting his Council. His opinion was that, by the Act of 1858, the Secretary of State for India was bound to consult his Council on all questions concerning India, save those which were expressly excepted by the Act; and compliance with this prin-

ciple was of vital importance for the government of India. After the considerable experience he had had, having served under no less than five Secretaries of State, he regarded this as a vital question; and he deprecated the course taken by the noble Lord (Viscount Cranbrook) in concealing from his Council the decision arrived at with respect to the reduction of the cotton duties. Referring to the Afghan War, he (Lord Lawrence) must express his opinion that as it had been undertaken as much to maintain the honour and prestige of England as in the interest of India, this country was bound to bear her due share of the expenses of the war. A precedent was to be found in the Persian War for what ought to be done in respect of the Afghan War. He approved of the changes which had been made in the salt duties, which still amounted to thirteen times the cost of the article, and pressed heavily upon the millions of India. But the import duties on cotton goods fell mainly on the richer classes, who were the chief buyers of the finer goods made in England, so that the remission was no relief to the great mass of the people, who wore the coarser goods made in India. He was glad the Government had not attempted to interfere with the currency. Any step in that direction might be attended with serious, not to say disastrous, consequences. He could not but approve the determination of the Government to introduce a strict economy into the Administration of India—but that policy required to be carried out very prudently. He did not think, for instance, it would be wise to reduce the Army in India by a single man; but the greatest care should be taken in the selection of the men who were to serve them.

THE MARQUESS OF RIPON said, the noble Viscount the Secretary of State for India had very ingeniously devoted a great portion of his speech, not to answering the arguments of his noble Friend the late Viceroy (the Earl of Northbrook), but to replying to those who advocated protectionist theories. Now, he had not a word to say in favour of those theories; and his noble Friend, he was sure, shared his views in that respect. But as to the question before the House, he thought it might be summed up by a reference to the Resolution which was passed by the House of Commons in 1877, in accordance with what then ap-

peared to be the policy of the Government. That Resolution, as amended at the suggestion of Lord George Hamilton, who was then Under Secretary of State for India, was to the effect that the changes with respect to the cotton duties should be made "so soon as the financial condition of India will permit." It was then admitted, on the part of the Government, that it was desirable the cotton duties should be abolished as speedily as might be; but it was pointed out that they were not prepared to impose new taxes for the purpose, or to run the risk of creating a deficit. Now, that being so, the question between his noble Friend (the Earl of Northbrook) and the Government was whether the state of Indian finance at the present time was such as to justify the remission of the cotton duties? He found, in the Budget Resolution of the Government, the position of affairs in India described as being such that it was extremely difficult to follow any settled financial policy, for that the Government could not even approximately say what income would be required to meet the necessary expenditure of the State. Now, for some reason or another, no explanation had been given by the noble Viscount, or, as far as he knew, by any other Member of the Government, as to why they had made so material a change in their policy between 1877 and 1879, as to abandon the wise and statesman-like course of making the remission of the duties when the finances of India would warrant them in doing so, instead of making it at a very inopportune time and in the very hasty manner which had characterized their action in the matter. He could not, he might add, concur with the noble Viscount in thinking that it was a proper course for the Secretary of State to take to commit himself beyond the power of withdrawal to a particular policy before consulting his Council with respect to it. The noble Viscount appeared to forget that they had distinct and definite functions as regarded expenditure to discharge, and that they were in that respect, at all events, not merely his advisers. The Government of India was, of necessity, in the nature of a despotic Government; but it was highly desirable that its rule should be as little arbitrary as possible. He was convinced that nothing could be more dangerous or more fraught

with mischief to the good government of India, than the adoption of any course which would tend to weaken and remove those checks which had been imposed upon arbitrary action on the part of the Secretary of State or the Governor General by the provisions of the Acts of Parliament.

THE MARQUESS OF SALISBURY said, that he certainly did not want to prolong the discussion in the present deserted state of the House; but he had one consolation—that he believed that this was an overflowing audience compared to that which had listened in "another place" to the discussion on the same subject on Tuesday night. He must be permitted to say that throughout the discussions on this subject, both there and in that "other place," the noble Marquess (the Marquess of Ripon) and his Friends had appeared in a very curious light. After having been all their lives, and during a long period of history, vigorous supporters of Free Trade, they no sooner found that the doctrines of Free Trade were being applied by their political opponents to our great Indian Dependency than that they became vigorous Protectionists. The results of this action on their part might not be so small as usually attended the freaks of political Parties in this country. It might be all very well for a Party to take up a decided opinion to-day and drop it to-morrow—people in this country knew the value and meaning of doctrines taken up for the moment by Parties, and dropped when they had served their purpose; but how would foreign nations and our great Dependency, who were not versed in the usages of our Constitutional Law, interpret the phenomenon? Much of the discontent of which they had heard had been raised by the language of those very persons when, three years ago, he had endeavoured to introduce Free Trade into India. He deprecated these violent evolutions in policy—these changes of opinions on the part of the noble Marquess and his Friends when they were in Opposition, as contrasted with those they held when they were in Office. In this case the Governor General overruled his Council. Nobody doubted that he had a strict legal right so to do; but it had been disputed whether he had a Constitutional right to overrule his Council, and whether it was one of those occasions

contemplated by Parliament when it invested him with that power. What would naturally be the object of Parliament in placing such a power in the hands of the Governor General upon all subjects where the Councillors were to be trusted? There would be no need to give the Governor General such a power upon all matters where their intelligence had fair play, and when they were unbiassed by any Party passion or any theoretical prepossession. On such questions the Councillors might be safely trusted, and there would be no reason for giving the Governor General power to overrule them. But if there should arise a case where they were hopelessly wrong, or where they were affected by some heresy, or biassed by some prejudice, which this country had earnestly repudiated, the special Representative of English statemanship, as opposed to the Indian statemanship, ought to be armed with power to overrule their error; and such a case had arisen in the present instance. The Governor General, who represented Indian, and not English, statemanship, wisely thought that the time had come when this weapon, placed in his hands by the prevision of Parliament, ought to be used and exercised—and he exercised a legal power which he undoubtedly possessed. The noble Lord who spoke last but one (Lord Lawrence) had discussed the question of how far the Indian consumer was interested in the reduction of these duties, and had said he could have no interest whatever, because he did not use English cloth, but Indian cloth. A rudimentary knowledge of the controversy which raged 30 or 40 years ago would be sufficient to dislocate that argument. The price of Native cloth used by the Indian peasant depended upon the amount of competition to which it was exposed; and the amount of that competition depended upon the freedom of the ports through which that competition could enter; and in proportion as that competition was withdrawn from the markets, the Native manufacturer was enabled to charge a higher price. He thought they had all agreed upon this subject 20 or 30 years ago. He supposed there was no doubt whatever that the interests of enormous numbers who consumed cotton goods in India would out-weigh any other interest that could be brought into competition with

it. The Indian peasant had two main wants—food and clothing. The Indian peasant's clothing was, he believed, entirely of cotton. Those who desired to cheapen the price of clothing to the Indian peasant were not wholly unworthy of the sympathy of those who, 20 or 25 years ago, desired to cheapen the food of the English peasant. The two cases seemed to him very similar in their operation. It was said that the duty of 5 per cent was not a large one; but that would not appear as a very strong argument to those who remembered how bitterly the project of the shilling duty on corn was opposed in the controversies at the beginning of this generation. Discussing the question from the producer's point of view, he would observe that there was one consideration to which sufficient attention had not been paid. If England and India were two foreign countries dealing with each other, he supposed that, according to the philosophy of the present day, they would make Treaties of Commerce; and if, 30 years ago, England had made such a Treaty with India, she would have proposed to remove her corn duty on condition that India removed her cotton duty. The corn duty, which limited the access of Indian corn to our markets, had been removed. In every part of England the effect of that removal was felt. Every market in this country and every farmer felt, in some degree or other, the effect of the cheapness of corn at the present time. If the question were regarded from a producer's point of view, instead of looking at it, as we generally did, from the consumer's point of view, he had a right to pit the interest of the English farmer, in excluding Indian corn, against the interest of the Bombay millowner in excluding English cloth. As appeared plainly from the despatches laid on the Table of the House, it was not economical considerations which weighed chiefly in his mind when he urged this matter upon the Government of India. The condition of India and England, working well together in that alliance which Providence had destined for them, depended much more upon the agreement of the peoples than upon the policy which the Government might pursue. It was a matter of capital importance that no subject of bitter antagonism should exist between large sections of two com-

munities. He asked any man, who doubted as to removing these duties, these two questions—was it not of vital importance that this cause of quarrel should be removed; and, if it was of vital importance, how was it to be removed? Nobody would dream that it could be removed by maintaining a permanent duty. In the long run, the line contended for by the Lancashire manufacturers was founded on sound policy; and, therefore, the only durable and safe solution of the controversy was to act upon their view. He felt that this was not an occasion to enter largely upon other matters discussed in this debate, and he should not speak on the question whether India ought or ought not to bear the burden of the Afghan War. He would only say this—that if England was to share with India everything in which Indian interests were mainly concerned, the converse, at least, must be true, and India must share every warlike undertaking in which English interests were a foremost and essential consideration. If they were to carry this out and go back to the Crimean War, they would find that England had paid far more than her share in the costs that ought to be borne in the common partnership. It appeared a sound principle, that where the war was waged for the interests of India alone—where the object of the war was to keep the Frontier of India clear—India should pay the cost. Any other doctrine would introduce a system of perpetual application to the English Treasury, disastrous not only to English solvency but fatal to Indian thrift.

THE EARL OF NORTHBROOK rose to say a few words in reply, when—

THE LORD CHANCELLOR said, there was no Motion before the House, and, therefore, the noble Earl could not reply.

THE MARQUESS OF RIPON said, though he had been a long time in that House, he did not remember a case in which a noble Lord who had introduced a subject raising an important discussion had not been allowed the privilege of making a few observations in reply.

THE LORD CHANCELLOR said, the Rule of both Houses was that only a noble Lord or hon. Member who moved a substantive Motion had the privilege referred to.

THE EARL OF NORTHBROOK reminded the noble and learned Lord that he had concluded with a Motion; but he would not further engage the attention of their Lordships.

LORD SELBORNE said, he would not take upon himself to say what reply his noble Friend might have made, if he had been permitted to reply at all. But he would himself venture to make one remark on the speeches of the Secretary of State for India and the Foreign Secretary, which he was sure his noble Friend would not have omitted. Both those noble Lords had justified the action of the Governor General in overruling his Council, not on the ground of any special Indian interests, but altogether on grounds of general British policy; that was, on the policy of Free Trade, and the policy of avoiding causes of difference between British industry and the Government of India. He would put it to the common sense of any man, whether this was not distinctly to set aside the spirit and substance, if not the letter, of the Act of Parliament, which gave the Governor General the power of overruling his Council only on grounds specifically and expressly Indian? If the general policy of Free Trade could be pretended to be such a ground, he did not see what other reason of European policy might not, with equal plausibility, be alleged to be so.

THE LORD CHANCELLOR said, the remarks made by his noble and learned Friend showed the great inconvenience of the course taken by the noble Earl who introduced this discussion. The noble Earl placed this Notice on the Paper—

“To call attention to the condition of the Finances of British India, and to present a Petition from the Committee of the British Indian Association of Calcutta.”

If the noble Earl believed, or if the noble and learned Lord believed, that the Viceroy had not conformed to the Act of Parliament, and if they considered that in acting in opposition to his Council the Viceroy had violated the Act of Parliament—and a greater violation of an Act of Parliament than that suggested by his noble and learned Friend he could not conceive—it was the duty of the noble Earl or the noble and learned Lord to introduce the subject and challenge the action of the Viceroy. If they had done that, they would have raised

a clear issue; but it was not in a meagre House that such a question should be raised, and thrown out as a statement which could not be controverted. He was prepared to controvert it. If the noble and learned Lord was prepared to maintain the opposite, let a Motion be placed on the Paper of their Lordships' House, and it should be met.

Petition *ordered* to lie on the Table.

MR. LEONARD EDMUNDS—"THE ATTORNEY GENERAL *v.* EDMUNDS."

QUESTIONS.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) asked—

"1. Whether the original award of Messrs. Denman and Pollock, the arbitrators in the case of the Attorney General *v.* Edmunds in the year 1868-69, is now preserved in the Treasury; and whether all the proceedings and evidence in the said arbitration were presented to and recorded in the Treasury:

"2. To move that there be laid on the Table of the House a copy of the said award as deposited and recorded in the Treasury, and also a copy of the detailed evidence and proceedings before the said arbitrators, including the surcharges and allowances made by them:

"3. To ask whether the award of the arbitrators and the accompanying account of surcharges and allowances was returned to the Court of Chancery or to any other Court of Record; and whether it was made part of the record in the information suit of the Attorney General *v.* Edmunds, or any other suit?"

THE DUKE OF RICHMOND AND GORDON said, he would endeavour to give his noble Friend as clear answers to the Questions he had put as he was able. In regard to the first part of his Question, he might say that the original award had not been preserved. Judgment having been signed, the original was of no further use; if, however, the noble Earl wished it, a copy could be supplied to him. In regard to the other Papers, the shorthand writers' notes and proceedings being Treasury Papers, they could not be given; but if the noble Earl wished for the evidence, and he applied to the shorthand writers, no doubt they would be able to furnish it. The amount of the award and the surcharges and allowances was recorded in the Court of Queen's Bench.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) asked when was it recorded?

THE DUKE OF RICHMOND AND GORDON said, he did not know.

The Lord Chancellor

THE LORD CHANCELLOR said, he should like to say one word on this matter. His noble Friend took the course, year after year, of placing on the Paper, in various forms, a Motion of Inquiry into this unfortunate subject, which he (the Lord Chancellor) had looked upon as dead and buried years and years ago. Such a course could only do harm at the present time, when it was utterly impossible to revive the matter. He should like to direct his noble Friend's attention to the fact that his Question was founded on a misapprehension as to the nature of an award. An award was never recorded in the Court of Chancery, or in any other Court; but when it was made, either party could take it up; the award was made a Rule of Court—which was a very different thing to recording it—and on that Rule judgment was given. As regarded the Question which his noble Friend asked as to the evidence taken in the proceedings before the arbitrators, it was a mistake to suppose that the arbitrator put the evidence in his award; such a thing was never heard of. If either of the parties chose, for his own information, to employ a shorthand writer, it was perfectly open to him to do so, and it might be possible for his noble Friend to obtain a copy of the evidence from the shorthand writers. His Question, however, was founded on an entire misapprehension.

House adjourned at a quarter before
Ten o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 19th June, 1879.

MINUTES.]—SUPPLY—considered in Committee
—£500,000, Exchequer Bonds*.

WAYS AND MEANS—considered in Committee—
£6,567,023, Consolidated Fund.

PUBLIC BILLS—Ordered—First Reading—Poor
Law Amendment (No. 2) [212]; Mungret
Agricultural School, &c.* [213]; Petroleum
Act (1871) Amendment* [214].

Committee—Army Discipline and Regulation
[88]—R.P.

Committee—Report—Wormwood Scrubs Regula-
tion (*re-comm.*)* [205]; Indian Marine [182-
211]; Salmon Fishery Law Amendment
(No. 2)* [188].

Third Reading—Public Health Act (1875)
Amendment (Interments) [61], and passed.

Withdrawn—Rating of Towns (Ireland)* [14].

QUESTIONS.

MERCHANT SHIPPING ACTS 1854 AND 1876—THE BRIGANTINE "CALENICK."

QUESTION.

MR. MAC IVER asked the President of the Board of Trade, If his attention has been called to the case of the brigantine "Calenick," which the Board of Trade caused to be surveyed at Hamburg in 1877; and if it is true that such survey was illegal, and that serious injury was done to the vessel, and that the owner claimed damages against the Board of Trade, but is practically without redress unless by an expensive process at law?

VISCOUNT SANDON: The case of the *Calenick* took place before I was connected with the Board of Trade. It has been repeatedly under the consideration of the Board, and has been previously mentioned in this House. In February, 1878, a Question, substantially to the same effect as that which is now put by my hon. Friend, was asked of Sir Charles Adderley. The *Calenick* was abandoned at sea, and the examination of the vessel took place with the sanction and approval of the Wreck Commissioner, for the purposes of the official inquiry then being held before him, and without protest on the part of the owner, who was made cognizant of, and virtually acquiesced in, the action taken by the Board of Trade. As far as I can ascertain, no serious or, indeed, any injury was done to the vessel, which the Court found to be unseaworthy. With regard to the recovery of damages, we have fully considered the matter; and being satisfied that, to the best of our judgment, there is no ground whatever for compensating the owner, are, of course, unable to make him any grant out of the public funds at our disposal for such purposes. I need hardly add that it is competent for him to avail himself of the usual remedies to enforce his claim, if so advised.

THE CAPE COLONY—MR. JUSTICE FITZPATRICK.—QUESTION.

MR. W. H. JAMES asked the Secretary of State for the Colonies, If his attention has been called to the remarks made by Mr. Justice Fitzpatrick, after a

lengthened Circuit in the northern and western parts of Cape Colony, to the Grand Jury at the Criminal Sessions at Cape Town, reported in the "Cape Argus" of May 6th, when, after congratulating them upon the lightness of the calendar, the learned Judge is reported to have observed—

"There appeared to be indications through the country of mutual bad feeling, and uncomfortable sensations between the coloured races by whom we are surrounded and the white population. The magistrates have reported to me that the tone of the natives has become uncomfortably morose, half insolent, and defiant, and certainly the tone of the white population has altered not, in my opinion, for the better. There appeared to me to be a sense of antagonism, a feeling that, right or wrong, the time has come for putting down the blacks. . . . I felt this all through the Circuit, that, from a sense of danger, or from a sense of wrong, or some other causes, there is a feeling amongst the white population which is not in accordance with the principles which have guided them heretofore. . . . It is anything but agreeable to find such a state of things prevailing—in fact the white population seem to have found their dark-coloured neighbours guilty of a skin not a colour like their own."

and, whether these observations are correctly reported; and, if so, will he take steps to obtain from the magistrates the reports of the matters to which the learned Judge referred, and other information to corroborate his statements?

SIR MICHAEL HICKS-BEACH: I have seen the newspaper report referred to by the hon. Member. I do not know whether it is a correct report of the learned Judge's charge; but there are other parts of it which, to some extent, modify the effect of the quotation which the hon. Member has made. The Judge does not say that the reports in question were received from the magistrates in all parts of his Circuit, but only in various places; he distinctly states the feeling referred to not to be one of declared hostility. He says that he is sure the principles which have guided heretofore the white cultivated people of the country will guide them in future; and that he thinks it his duty to notice the matter because he believes its being noticed will tend to correct it. I share that hope so far as my own feeling is concerned; and with regard to the particular Question which the hon. Member has asked me, I scarcely think there would be much good in obtaining these particular reports of the magistrates, as full information on the state of feeling

between the White and Native population in the Cape Colony, sent to me in the ordinary way, has been, and will continue to be, included in the Papers presented to Parliament.

THE GOVERNMENT OF HAYTI—MR. MAUNDER.—QUESTION.

LORD ARTHUR RUSSELL asked the Under Secretary of State for Foreign Affairs, What steps have been taken by Her Majesty's Government to obtain from the Government of Hayti a settlement of the long-pending claims of the widow and children of the late Mr. Maunder, of Liverpool; and, whether it be true that the Government of Hayti have recently endeavoured to evade the settlement of these claims by means of evidence which has since been discovered by Her Majesty's Government to be forged; and, if so, whether there is any objection to the publication of the Correspondence which has passed?

MR. BOURKE: Her Majesty's Government have frequently urged upon the Haytian Government, in the strongest diplomatic manner, the justice of Mrs. Maunder's claims; but that Government now denies the rights of Mrs. Maunder, on the ground that her husband was a Haytian. In support of this contention, evidence has been put forward which there is ground for suspecting has been fabricated. The Papers are now again before the Law Officers, and Her Majesty's Government are considering the course which it will be proper to pursue.

JAMAICA—COOLIE IMMIGRATION. QUESTION.

MR. ERRINGTON asked the Secretary of State for the Colonies, Whether he has any objection to lay upon the Table Copy of any Correspondence which may have passed during 1878 and 1879 between the Colonial Office and the Governor of Jamaica relative to the financial conditions under which, as laid down by Lord Carnarvon, when Secretary of State, any further Coolie immigration was to be conducted?

SIR MICHAEL HICKS-BEACH, in reply, said, he would have no objection to lay on the Table the Correspondence referred to by the hon. Member when it was concluded, so far as it had been presented to the Legislative Council in Jamaica.

Sir Michael Hicks-Beach

FLOODING OF RIVERS—LEGISLATION. QUESTION.

MR. HARCOURT asked Mr. Chancellor of the Exchequer, Whether, considering the vast and increasing damage done to agricultural produce by the preventible flooding of rivers, and which is at this moment in many parts adding considerably to the prevalent agricultural distress, it is the intention of the Government to use their utmost endeavours to pass a measure, during the present Session of Parliament, for the purpose of giving the necessary powers to owners and occupiers of land, and to others, to deal immediately with these important matters?

THE CHANCELLOR OF THE EXCHEQUER: The Government have introduced a Bill, which has passed the other House of Parliament, and has come down to this House, on this subject; and they hope it may be in their power to proceed with it in the course of the present Session.

SOUTH AFRICA—THE WAR—AMBULANCE ARRANGEMENTS. QUESTION.

MR. ERNEST NOEL asked the Secretary of State for War, Whether the Committee that has been appointed to inquire into the organization of the Army, will receive instructions from the Government to consider what ambulance arrangements it will be desirable to make, so that the sick and wounded soldiers of the British Army should not in the future be left in any way dependent for nursing and surgical assistance on the necessarily precarious and inadequate aid of charitable and voluntary associations, as in some measure seems to be the case at present in South Africa?

COLONEL STANLEY: It is matter for regret that the hon. Gentleman was, perhaps, not present in the House on Monday evening when it was my duty to state that, so far as I am aware, the arrangements for the care of the sick and wounded soldiers now serving in South Africa have been properly attended to. I stated, at the same time, that, so far as I was informed, every arrangement had been made for their proper comfort. I have not thought that it would be wise, however, to make that a ground for discouraging the charitable

feeling which has appeared to prevail amongst many classes of people, who have been anxious to contribute from their private means assistance to those who were invalided or sick.

DOMINION OF CANADA—LOAN FOR THE PACIFIC RAILROAD.

QUESTION.

MR. JOHN BRIGHT asked the Secretary of State for the Colonies, If it is true that a deputation consisting of Members of the Canadian Government is coming to this country to ask Her Majesty's Government for a loan, or the guarantee of a loan, for the purpose of constructing the Pacific Railroad; and, if so, whether it is coming in consequence of communications between Her Majesty's Government and the Government of Canada; and, if so, whether the Correspondence that has taken place can be at once laid upon the Table?

SIR MICHAEL HICKS-BEACH: Last week I received from Lord Lorne a copy of 14 resolutions which had been adopted in the Dominion House of Commons with reference to the Pacific Railway. One of them is as follows:—

"That, in view of the importance of keeping good faith with British Columbia and completing the consolidation of the Confederation of Provinces in British North America, and for the purpose of extending relief to the unemployed working classes of Great Britain and affording them permanent homes on British soil, and in view of the national character of the undertaking, the Government of Canada is authorized and directed to use its best efforts to secure the co-operation of the Imperial Government in this great undertaking and obtain further aid, by guarantee or otherwise, in the construction of this great national work."

That is all I know of the matter. The deputation is not coming in consequence of communications between Her Majesty's Government and the Government of Canada, and there has been no correspondence on the subject.

LAW AND JUSTICE—PRISONERS AT THE YORKSHIRE ASSIZES.

QUESTION.

MR. BARRAN asked the Secretary of State for the Home Department, If he will state what number of prisoners from each of the three ridings were indicted at the last Yorkshire Assizes held in the city of York; and, whether, if he finds

that by far the largest number of prisoners comes from the west riding, he will direct that in future the Assizes for the county of York shall be held at Leeds?

MR. ASSHETON CROSS, in reply, said, he found that the number at the last Yorkshire Assizes was as follows:—West Riding, 27; East Riding, 2; North Riding, 9. As to holding the Assizes in future at Leeds, he would consult the learned Judges upon the matter before the next Circuit.

ARMY—DISCIPLINE OF THE MILITARY SCHOOLS.—QUESTION.

SIR GEORGE CAMPBELL asked the Secretary of State for War, If he proposes to take any action on the report of General Fitzmayer, concurred in by General Lord Airey, regarding the discipline of our Military Schools; or, whether the education of Cadets will be one of the subjects referred to the Military Committee about to sit, especially the shortness of the present course at Sandhurst and the entire absence of modern languages?

COLONEL STANLEY, in reply, said, that the action he had taken on the Report referred to by the hon. Gentleman, or rather upon the Report of the other visitors of the Royal Military Academy, from which General Fitzmayer dissented, was that he had requested the Commander-in-Chief to direct his attention to the subject of that Report, which had since been referred to the Governors of the Royal Military Academy and the Royal Military College for their consideration. He had not yet received their reply, but he had called for it; and he had no reason to doubt that it would be of such a character as would enable him to lay it upon the Table of the House in continuation of the other Papers on the subject. As regarded the Military Commission, it was no part of their duty to inquire into the education of officers.

CONTAGIOUS DISEASES (ANIMALS) ACTS—OUTBREAK OF FOOT-AND-MOUTH DISEASE AT DERBY.

QUESTION.

COLONEL KINGSCOTE asked the Vice President of the Council, Whether it is

the case that thirty-three fat cattle from Canada landed at Liverpool were brought by rail to Derby on the 9th June, and removed to a field within the borough; whether on the 10th instant the sanitary inspector of the borough and the veterinary inspector under the Contagious Diseases (Animals) Act certified to three cattle of the lot being infected with foot and mouth disease, which three were slaughtered by their orders; whether thirteen of the remainder were subsequently slaughtered for food with the sanction of the local authority; whether it is true that on the 11th instant the same authority permitted the remaining seventeen head of cattle to be removed by rail to Nottingham; whether this is not contrary to the provisions of the Contagious Diseases (Animals) Act; whether inquiry will be made as to the state of the cattle when landed at Liverpool; and, whether they were passed by the Government inspector and allowed by him to be removed to Derby?

LORD GEORGE HAMILTON: The outbreak of foot-and-mouth disease at Derby was reported to us on June 12 as having occurred among American cattle, and an inquiry was immediately instituted. It appears that cattle from Canada were landed from the steamship *Dominion* at Liverpool on June 6. They were examined twice by the Inspector of the Privy Council on that day, and by the Inspector of the Local Authority on June 8 and 9, and found free from disease. Fourteen of these animals were purchased by a salesman in Liverpool and sent to Derby, where three were found by the Inspector of the Local Authority to be affected with foot-and-mouth disease on June 10. These animals were slaughtered, together with 24 others said to be of the same lot. If the animals were affected with foot-and-mouth disease, it must have been contracted between June 6 (the day of landing) and June 10; or if they had been infected in Canada, the disease would have been so far advanced during the voyage that it could not have escaped detection on landing. I am informed that certain animals of the same cargo were sent from Liverpool to Nottingham and also to London; but from the reports of the Inspectors it does not appear that any of them were affected by disease.

Colonel Kingscott

ARMY—ORDNANCE STORE DEPARTMENT RE-ORGANIZATION.

QUESTION.

SIR GEORGE BOWYER asked the Secretary of State for War, When the Warrant for the re-organisation of the Ordnance Store Department will be likely to be published; and, whether the officers of this department will receive the same advantages as the officers of the Commissariat Department in their Warrant?

COLONEL STANLEY, in reply, said, the delay in the issuing of the Warrant was partly owing to the illness of one of the principal officers concerned. It was impossible to say how far the principle of the Commissariat Department Warrant would be applicable to the Store Department.

INDIA—COMMISSION ON MILITARY EXPENDITURE.—QUESTION.

MR. ONSLOW asked the Under Secretary of State for India, Whether the list of names of the officers reported in the "Times" of Monday to inquire into the Military Expenditure of India is correct; whether the terms of reference from the Viceroy in Council to the Commission will be submitted to this House before the meeting of the Commission; and, whether it could not be arranged that the expenditure on the Indian Marine should also be inquired into by the same Commission?

MR. E. STANHOPE, in reply, said, that the list of names was correct. The terms of the Reference had not yet been received; but when they were there would be no objection to lay them upon the Table of the House. The expenditure on the Indian Marine had been thoroughly considered, and a considerable reduction of expenditure had been recommended.

FRANCE—THE NEW TARIFF LAW.

QUESTION.

SIR JOSEPH M'KENNA asked the Under Secretary of State for Foreign Affairs, At or about what date it is expected that the promulgation will be made in France of the expected new French General Tariff Law?

MR. BOURKE, in reply, said, that inasmuch as the Committee appointed

by the Chamber of Deputies had not yet made their Report on the subject, it was impossible to say when the new French Tariff Law would be promulgated.

IRELAND—IRISH BUTTER—DEPRECIATION OF VALUE.—QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether his attention has been called to the falling off which has been taking place in the quality of Irish butter, and the consequent alarming depreciation in English and Foreign Markets of the value of that important staple of Irish production; and, whether, under these circumstances, he will introduce or support a Bill to establish a Government brand for Irish butter, similar to that which has proved so effective in raising and keeping up the character of Scotch herrings?

MR. J. LOWTHER: I have seen statements to the effect that there has been a depreciation, as the hon. Gentleman suggests, in the quality of Irish butter; but it appears to me that the real remedy lies in the hands of the persons who ask redress. If they would improve the quality of the butter they would attain their object in the shortest manner. But I will see whether anything can be done in the direction the hon. Member suggests, and will communicate with the Agricultural Society and other persons, on whose opinion it might be useful to form a judgment.

MR. ERRINGTON: Sir, I beg to give Notice that on Monday I shall ask leave to introduce a Bill to establish Government brands on Irish butter.

ELEMENTARY EDUCATION ACT—LONDON SCHOOL BOARD EXPENDITURE.

QUESTIONS.

SIR UGHTRED KAY-SHUTTLEWORTH asked the Vice President of the Committee of Council on Education, Whether Her Majesty's Government propose to give effect by Minute to the suggestion made by him in the debate on the Motion of the honourable Member for East Gloucestershire; whether there is any intention of passing such a Minute this Session; and, if so, whether it will be laid upon the Table immediately; and, whether an early opportunity will be afforded for the discussion

of so important and novel a change in the principles hitherto governing the grants to schools?

LORD GEORGE HAMILTON: In speaking upon the debate on the London School Board expenditure I stated that for some time past proposals had been under consideration which, while in no way impairing the efficiency of the public elementary education, would tend to limit the excessive expenditure now incurred by managers of certain schools purporting to be elementary. I did not, and cannot, however, in any way pledge myself to details. I simply indicated the way in which School Boards, if possible, should go. Since then the matter has been under the consideration of the English and Scotch Committees on Education, so that I hope we may be able to mature something in the direction indicated before the close of the Session. Of course, no Minute tending to limit the expenditure of schools can come into effect until the managers of schools have had plenty of time to conform to the conditions contained in it; therefore, in the event of any such Minute being published, there will be ample opportunity afforded for its discussion before it comes into practical operation.

MR. W. E. FORSTER: Is it intended to introduce the Minute before the Education Estimates are brought on? It is very desirable that we should have the Minute before us when we are considering the Estimates.

LORD GEORGE HAMILTON: Of course, as soon as Her Majesty's Government have come to a final decision the Minute will be laid upon the Table of the House; but I cannot absolutely undertake to lay it on the Table before the Estimates are taken.

INDIA—THE FINANCIAL DEPARTMENT.—QUESTION.

MR. ONSLOW asked the Under Secretary of State for India, Whether it is true that four covenanted Indian civilians have been appointed with special rates of pay, sanctioned by the Secretary of State for India, to the Financial Department since January 1877, over the heads of several European and Native uncovenanted civilians who have for many years been in the Department, and thus retarding the promotion of

these latter officers; and, whether these appointments have been made on account of the inefficiency of the uncovenanted servants in the Department, or for what other reason?

MR. E. STANHOPE: Three, and I believe four, such covenanted civilians have been appointed; but, under the orders of the Secretary of State, any such appointments since April, 1877, are provisional only and subject to review when the scheme for the re-organisation of the Financial Department is sent home. That scheme is expected shortly.

PUBLIC BUSINESS—HYPOTHEC ABOLITION (SCOTLAND) BILL.—QUESTION.

MR. VANS AGNEW asked Mr. Chancellor of the Exchequer, Whether, considering the Second Reading of the Hypothec Abolition (Scotland) Bill was carried by a majority of 127, and that the Scottish Members voted in the proportion of forty-seven to two in favour of the measure, and that it was supported by the Lord Advocate, he will give facilities for the further progress of the Bill?

THE CHANCELLOR OF THE EXCHEQUER: It is quite impossible for me to give any facilities.

CRIMINAL LAW — VACCINATION ACT, 1871.—QUESTION.

MR. HOPWOOD asked the President of the Local Government Board, Whether his attention has been called to the case of Mary Emma Cryan, described as a domestic servant, heard before justices at Leeds on the 23rd of May last, on a summons for an order to vaccinate her child; whether it be the fact that it was stated in her defence that the child was not in her custody, but was with her husband, its father, in Ireland; whether, notwithstanding, the justices made the order with costs, or three days imprisonment, saying, as reported in the "Leeds Express" of May 24th, "If you cannot obey it, that will be a good defence;" whether she had not been already prosecuted in respect of the same child, and made the same defence, to the knowledge of the vaccination officer prosecuting in both instances; and, whether such an order can legally be made without evidence that the defendant has the custody of the child required to be vaccinated?

M. Ouslow

MR. SCLATER-BOOTH: My attention was first called to the case by the hon. and learned Gentleman's Notice of the Question, and I have since made inquiry on the subject. It appears to have been stated at the hearing of the case that the child was not in the custody of Mary Cryan, the person summoned, but was with its father in Ireland. I find, however, that the Guardians have reason to believe that this statement is untrue, and there were also suspicious circumstances with regard to the registration of the child's birth which, by means of these proceedings, they seemed to have desired to elucidate. It is the fact that the Justices made the order that the child should be vaccinated, and that one of them said "that if the defendant could not obey it that would be a good defence." I understand that the defendant has been prosecuted on two former occasions, and do not doubt that the same defence was made on those occasions. Upon the facts, so far as I have been able to ascertain them, I cannot say that the Justices were not empowered to make the order; because section 11 of the Vaccination Act, 1871, clearly contemplates that proceedings may be taken against a parent, although the child may not be in the Union at the time. I should add, however, that the defendant did not herself appear before the Justices, and no evidence was given or tendered on her part to show that the child was not within her custody or power.

CUSTOMS—RE-ORGANISATION OF THE CLERICAL SERVICE.—QUESTIONS.

SIR EDWARD WATKIN asked Mr. Chancellor of the Exchequer, Whether all the schemes for the re-organisation of the Customs Clerical Service in London and the out-ports are yet ready for promulgation, and also from what date they will take effect?

SIR HENRY SELWIN-IBBETSON, in reply, said, that all the schemes for the re-organisation of the Customs Clerical Service, with the exception of that for the Statistical Department, had been approved by the Treasury, subject to the revision of certain details, and when the revision had been effected they would be ready for promulgation. The schemes for the re-organisation of the Statistical Department in London and in

the out-ports were still under the consideration of the Treasury. It was intended that all these schemes should eventually take effect from the 1st of April last.

MR. RITCHIE asked when the revision would take place?

SIR HENRY SELWIN-IBBETSON: Immediately on the Papers being returned with the answers from the Customs.

NEW PALACE AT BAGSHOT PARK.

QUESTION.

DR. KENEALY asked the First Commissioner of Works, Whether the stonework at the Duke of Connaught's new palace at Bagshot Park has been or is performed by convict labour?

MR. GERARD NOEL: The building now being erected by His Royal Highness the Duke of Connaught at Bagshot Park has nothing whatever to do with the Office of Works, and I am sorry I cannot give the hon. Member any information with regard to the subject of his Question.

NAVY—ADMIRALTY CHARTS.

QUESTION.

MR. J. STEWART asked the First Lord of the Admiralty, Whether he will direct inquiries to be made into the present arrangements of the Hydrographic Department, with a view to secure for the Merchant Service a more speedy and certain supply of Admiralty Charts?

MR. W. H. SMITH, in reply, said, that the arrangements for the supply of charts for the Merchant Service were fully reconsidered between 1870 and 1873, and were then settled on a principle which was deemed the best that could be adopted. The charts were 3,000 in number, and they were constantly under revision. It was, therefore, exceedingly difficult to keep at every port a supply of charts which should be always available for service if required; but they could be sent for by telegraph and forwarded by post. If the hon. Member had any suggestion to make for the improvement of the present system, they would be exceedingly glad to consider it.

INDIA—PETITION OF MR. WILLIAM TAYLER—SIR FREDERICK HALLIDAY.

QUESTION.

MR. STAVELEY HILL asked the Under Secretary of State for India,

Whether the Government would reconsider the answer which was given on Monday to the Question he then put affecting this gentleman?

MR. E. STANHOPE: The answer which I made to the Question of my hon. Friend on Monday last was given after much consideration, but with great hesitation. Since that time very strong representations have been made to my noble Friend of the injustice that may be done to Sir Frederick Halliday if he should be precluded from explaining the course which he adopted in 1857. The Secretary of State has, therefore, reconsidered the matter, and has decided to give to that gentleman the opportunity of placing his justification upon record, and I have accordingly presented his statement to-day.

COLONY OF VICTORIA—THE CONSTITUTIONAL QUESTION—POSTPONEMENT OF MOTION.—QUESTION.

SIR MICHAEL HICKS-BEACH: I beg to ask my hon. Friend the Member for Exeter, Whether it is his intention to proceed to-morrow with the Notice of Motion which stands in his name with regard to the affairs of the Colony of Victoria? My hon. Friend is aware of the reason for the delay in the publication of the last portion of the Correspondence on the subject, and will, I think, agree with me that it would be very inconvenient that the discussion should take place until these Papers are in the hands of hon. Members.

MR. A. MILLS said, it was not his intention to proceed with his Motion at present; but he trusted he would have an opportunity of bringing it forward after the whole of the Correspondence was in the hands of hon. Members. The Resolution which he intended to move was as follows:—

“That, in the opinion of this House, Imperial intervention in the constitution of Colonies possessing representative government is undesirable and inconsistent with the rights of self-government granted to those Colonies, unless such intervention is officially solicited by both branches of the Colonial Legislature.”

QUEEN'S UNIVERSITY (IRELAND)—ASSUMPTION OF A UNIVERSITY DEGREE.—QUESTION.

MR. O'DONNELL asked the Chief Secretary for Ireland, If he can state to the House if any action has been

taken by the Senate of the Queen's University in Ireland upon the charge of unauthorised assumption of a University degree recently brought by a Professor and Member of the Council of Queen's College, Galway, against one of his colleagues in the Council and Professoriate?

MR. J. LOWTHER: I understand that the case referred to in the hon. Gentleman's Question is that of a Professor of Queen's College, Galway, who assumed, without authority, a degree of the University of Dublin. The assumption of unauthorized degrees and titles is, I am afraid, by no means an exceptional instance. The assumption of foreign titles, and even of titles of British nobility, have been frequently brought under public notice within the past few years; and with respect to the dignity of Baronet, it has been suggested that the introduction of an Act of Parliament was necessary for the restriction of it. I am not prepared to say how far the unauthorized assumption of any title of dignity is, in itself, an indictable offence; but in this particular instance the object, I understand, of the assumption of the degree was rather of a social than of a pecuniary nature. It, therefore, appears to me that it is rather a matter between the person himself and the University authorities; and, as at present advised, the Government are not prepared to take any action on the subject.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE. [*Progress 17th June.*]

Bill considered in Committee.

(In the Committee.)

Punishments.

Clause 44 (Scale of punishments by courts martial).

MR. J. HOLMS moved, after "lashes," to insert—

"And shall not be inflicted upon a non-commissioned officer or on a reduced non-commissioned officer for any offence committed while holding the rank of non-commissioned officer."

Mr. O'Donnell

He understood the right hon. and gallant Gentleman the Secretary of State for War was prepared to accept the Amendment; therefore, he should not trouble the Committee further.

Amendment agreed to.

MR. OTWAY said, he had no desire to intrude unnecessarily upon the time and patience of the Committee; but it did seem to him that the question of corporal punishment and the proceedings of the Committee having taken a somewhat unexpected turn, that an opportunity was afforded for making a suggestion by which much valuable time would be secured to the Government for the prosecution of Public Business, and by the acceptance of which many hon. Members sitting on the Opposition side of the House felt that satisfaction would be given to the soldiers of the Army and to the people of the country. It was not too late to make that suggestion even now, and, therefore, he should presently make it. If the right hon. and gallant Gentleman the Secretary of State for War should think fit to interrupt him by expressing his assent, he would willingly spare the Committee the observations he should otherwise think it his duty to make. He hoped the Committee would acquit him of any presumption, if he said that the right hon. and gallant Gentleman the Secretary of State for War had shown, in the spirit in which he entered upon this discussion yesterday, a fairness and conciliation which deserved all their praise. But it was obvious that his heart was not in the cause which he defended; and probably he (Mr. Otway) might say the same of all the hon. Gentlemen who sat on that side of the House. He would never cast upon those hon. Gentlemen the imputation that they could desire to maintain a punishment which must be in itself odious, as odious to them as to those hon. Gentlemen who sat with him. No doubt they, and the right hon. and gallant Gentleman, were actuated in the part they took in this matter by a sense of right, believing it to be necessary for the maintenance of discipline in the Army that corporal punishment should be continued. He had no doubt, indeed, that the right hon. and gallant Gentleman was supported in his opinion by the authority of those who had guided him in this matter. It was

the value of that authority which he should have to examine presently; but what he wished to point out to the Committee was this—that, guided by that authority, the right hon. and gallant Gentleman informed them, at an early period of the discussion of this clause, that he was unable to assent to any abatement of the punishment which it was proposed to be put upon the soldiers. Well, what took place? At the onset, his hon. Friend the Member for Birmingham (Mr. Chamberlain) pointed out that the inconveniences and irregularities—he might say the mischief—arising from this punishment being inflicted for crimes which were not determined, would be so great that the right hon. and gallant Gentleman the Secretary of State for War was obliged to make a great concession, and agree to put in a Schedule, to be hereafter appended to the Bill, all the offences for which corporal punishment should be inflicted. Again, an hon. Gentleman on that side of the House rose, notwithstanding the statement of the right hon. and gallant Gentleman that he could not, under any circumstances, assent to a diminution of the punishment as fixed in the Bill—an hon. Member moved a further and considerable diminution of the punishment, to reduce it, in fact, by one-half; and the right hon. and gallant Gentleman, yielding to better influences, yielding to the strong expression of opinion which came from the Opposition side of the House, gave way on that point, on which he had formerly declared it would be impossible for him to make any concession. Therefore, what was the state of things? Fifty per cent of the punishment the right hon. and gallant Gentleman had abandoned; and by the fact that all the offences for which corporal punishment would be given had to be hereafter scheduled, 49-50ths of the remaining punishment would not be inflicted. The question he wished to put to the Secretary of State for War was this. Having given up 99 per cent of this barbarous and odious treatment—treatment applied to the British Army alone, for there was not a soldier of any other civilized State in the world who was subjected to this punishment—having abandoned 99 per cent of this treatment, was it worth his while to contend with the House for the maintenance of the fragment that remained? It occurred to

him to make this suggestion to the right hon. and gallant Gentleman in the hope that it would meet with his assent. The suggestion was that he should consent that they should now report Progress on this Bill ["Oh, oh!"], and that he should confer—[*Interruption*]. He regretted to see hon. Gentlemen treat a proposition on a matter so serious as this with levity, for it was not a laughing matter to the British Army, neither was it a laughing matter to the British people. The proposition which he had to make to the right hon. and gallant Gentleman was that he should assent to report Progress on the Bill now, and that he should consult with those military authorities by whom he had been guided hitherto as to whether it was really worth the while of the Department over which he presided to retain the fragment of the punishment which they originally considered necessary? If so, then the other clauses of the Bill might be proceeded with with expedition, and they would not have those complaints which were continually being made about the stagnation of Business, and of the impossibility of carrying the Bill through the House. He regretted to see that the right hon. and gallant Gentleman made no sign of approbation of that course. If he had done so, he should, as he had previously said, most willingly have abstained from making any further observations. Inasmuch as the Secretary of State for War had not signified his approval, it was required of him to ask the attention of the Committee to the nature of the punishment. Corporal punishment could only be inflicted by cat-o'-nine-tails; and it was to this barbarous, and degrading, and exceptional treatment of the soldier that he desired to call their attention. What was the scene that was presented in that House on Tuesday last? He asked hon. Gentlemen to recall for one moment the statement that was made by an hon. Member of that House. He did not wish to harrow the hon. Member's feelings unnecessarily by referring to the subject; but it was indispensable that he should notice one part of his statement. The hon. Member for Stafford (Mr. Macdonald) stated on the floor of this House that his father had been subjected to corporal punishment by the cat-o'-nine-tails for a breach of

discipline which was never proved against him; that the punishment by that instrument was, in its nature, of that severity that when he followed him to the grave, between 30 and 40 years after it was inflicted, the marks were almost as plain on his back as at the time they were made; and the hon. Gentleman further added that his father suffered to the day of his death, not only from the stigma and degradation, but from the pain that was caused by the wounds 30 years after the punishment. On the ground of cruelty alone, if there were no other reasons, it was time that this country should abolish for its soldiers treatment such as that. Let him for a moment inquire whether it was really impossible to carry on the discipline of the Army without the infliction of this punishment. He would never speak lightly of any matter which affected the discipline of the Army, for he knew that in military quarters it was absolutely necessary to enforce certain rules, and equally necessary to maintain discipline. But it had never been proved that the enforcement of these rules, and the maintenance of discipline, could alone be secured by the infliction of the lash. It had been stated; but it had never been proved. Those arguments had been used a hundred times previously. They were used 10 years ago, when he submitted a Motion to the notice of the House—a Motion which was eventually carried by a narrow majority, but which abolished for ever this degrading punishment in times of peace. They heard all these arguments then. The right hon. Gentleman the then Secretary of State for War came down and read a letter from the highest military authority in the country, stating that the discipline of the Army could not be maintained if flogging were done away with in times of peace. But had the discipline of the Army suffered in consequence? Had not the discipline of the Army been maintained? Notwithstanding the adoption of the Motion he then submitted discipline had been preserved, and that should cause them somewhat to distrust those statements when they were made concerning the Army when engaged in war. But he would also examine that question; and he thought he should show them that this punishment was not only degrading and barbarous, but

Mr. Otway

that it absolutely failed as a deterrent, and that it was absolutely unequal for carrying out what was expected of it. When he submitted his Resolution on this subject in the House of Commons, in 1867, he thought it better that they should deal with the question as it related to times of peace. Now they were, unhappily, engaged in a state of war. If he was wrong in what he was now about to say he wished that the right hon. and gallant Gentleman the Secretary of State for War would contradict him. He was informed—in fact, he knew it to be so—that the punishment of flogging was being carried on in South Africa to an enormous extent. A shallow-minded man would answer—“You will see that is a proof that flogging must be kept up.” His answer to that was complete, for it was this—that as they were obliged to flog every day it was a proof that the punishment was of no value whatever. It would be unfair, when discussing the question, not to meet the statement which was often made, that if they abolished flogging they would be obliged to institute some severer punishment. He was prepared to meet them on that ground; and he would say at once that a state of war was a thing so exceptional—unfortunately, under the auspices of Her Majesty's present Government, it had been less exceptional than hitherto—that they must meet the circumstances which arose in an exceptional manner. If a soldier deserted to the enemy in time of war, if a soldier betrayed his post, if a soldier imperilled, by firing his musket or by some other signal, the lives and safety of his comrades, what treatment would they mete out to him? He (Mr. Otway) would not flog him; but he would put him exactly in the same position as a civilian, who had merited punishment in his country by crimes equally serious. He said, treat military offences in times of war as military offences were treated in times of war by all nations; but he would not subject men in times of war to a treatment which was not efficacious, but which was degrading. Take the cases of the commission of these offences by the soldiers in South Africa. It was said—

“We do not wish to shoot a man committing the offence; we cannot imprison him; and, therefore, we must inflict this punishment of flogging.”

But he took exception to the statement that the soldier could not be imprisoned. He could be secured under guard, and what would happen? He would be treated in this way—on the first occasion when Zulu prisoners were to be transported to the nearest station—for it was not to be supposed that they could be kept hanging about the Army—then the man could be sent to the station with the other prisoners under guard. What was more easy than to send this soldier handcuffed, if necessary, in this manner to the station, there to be tried and punished for his offence? [*Laughter.*] It was surprising that hon. Gentlemen should scoff at this proposal, as if they alone had any knowledge of this subject. He had been in the position of having command of small bodies of men in the penal Colonies; and there never was the slightest difficulty in so managing the punishment of a soldier who misconducted himself, without flogging, although the punishment of flogging might then have been enforced. What was proposed to be done? The Secretary of State for War, contrary to his own opinion, had reduced the quantum of punishment proposed to be inflicted; but he stood out for the maintenance of the remaining 25 lashes, and these to be inflicted by the “cat-of-nine-tails.” But if he could offer the right hon. and gallant Gentleman one word of advice, it was to consent to the Amendment proposed, as one more step in the path of concession, and which would gain the good opinion of the people of the country. For it was a great mistake to think that the opinions held by many hon. Members opposite were shared by the country. This Parliament had not much longer to exist; he did not know they would decide this question; but he hoped, for the credit of the Parliament, it would be decided that this barbarism, so exceptionally degrading to our soldiers, should be abolished. But whether or not that should be the case, he was certain that in the Parliament to come—public opinion being aroused on the subject, and seeing the weakness of the arguments in its favour, and the concessions that were made to retain a fragment of the punishment as being necessary for the state of things now existing in South Africa, where alone we now had a war—people would be awakened to the truth, and

see what it was that prevented respectable men entering the Army—what it was that impeded recruiting. What mother would allow her son to enter the Army while it was known, and maintained by hon. Gentlemen, that the lashing of a soldier with 25 lashes was absolutely indispensable to the maintenance of discipline? Was it thought such a system would bring men into the Army? Look at the change in the sister Service since the rules of discipline had been relaxed. There was a different class of men to those in the Service years ago; there was a better class in the Army than there was years ago; and if this remnant of degradation, now put upon the British soldier, were done away with, there would be in the Army a still better class of men—men who would conduct themselves in a manner that flogging would not be required. Let the right hon. and gallant Gentleman the Secretary of State for War be guided by good, by wise counsels, and take a course creditable to himself, and which he, in his heart, desired, as did many more on his side of the House—let him away with this fragment of the punishment, and announce to the world that the English Army was fit to be put on an equality with the Russian, at least, if not with the German, the French, and the Austrian Armies: let him announce once and for ever, in peace or in war, that corporal punishment had been abolished by the good-will of a Minister leading the House of Commons to that desirable end. In conclusion, he begged to move, in page 19, line 28, after “lashes,” to insert—

But corporal punishment shall not be inflicted on any soldier by an instrument known as the cat of nine tails, of which a sealed pattern is deposited at the Admiralty.”

Amendment proposed,

After the word “officer,” at the end of the last Amendment, to insert the words “but corporal punishment shall not be inflicted on any soldier by an instrument known as the cat of nine tails, of which a sealed pattern is deposited at the Admiralty.”—(*Mr. Otway.*)

Question proposed, “That those words be there inserted.”

COLONEL STANLEY thought the hon. Gentleman could hardly have been present during the last discussion, or he would have then heard what he (Colonel Stanley) distinctly stated—

MR. OTWAY said, he had been present during the whole time.

COLONEL STANLEY then was sorry he should have thought it necessary to put his Amendment on the Paper. Because he had stated on more than one occasion, as distinctly as he could, that it was his intention to seal a pattern of the cat of nine tails—not that he himself thought it necessary to do so—but as the desire had been expressed, he said it was his intention to seal a pattern of the instrument as used at the present moment. He had been asked not to make it so severe as the present pattern—which he had not seen—at the Admiralty. To this he had replied that, without entering into minute definitions of how many thongs, &c., he would seal the existing pattern, leaving matters to stand as they were. He had said he believed it did not differ throughout the Service; but, if there was any doubt, he was willing that a pattern should be sealed, to prevent any deviation from it. That, he thought, was an answer to the question of the hon. Gentleman. [“No, no!”] But he thought it was. At least, he had given a distinct promise; and, while he held the office he did, he did not look to have that promise questioned. What he had said was, that the pattern used should be still used, and that it should be neither more nor less severe, and that was accepted as a fair statement by the Committee. The noble Lord the Leader of the Opposition went further, and said this was really not a matter for regulation by the House; it was a matter of detail unworthy of the House; it was a matter to be left to the administration of the Department; and, if the House could not trust the administration of the Department, then they had better get rid of them. With that view, thus pithily expressed, he (Colonel Stanley) entirely agreed. He adhered to what he had said on Tuesday—he was willing to seal the existing pattern, used in the British Army from time immemorial; he was not prepared to depart from it, one way or the other, to make it more or less severe. With regard to the larger question, which was debated at length on the Motion of the hon. Member for Horsham (Mr. J. Brown), he must really point to the position in which the Committee stood. On May 20 the question of corporal punishment in con-

nection with the Bill first arose. On that day the Committee—and not, by any means, in an empty House—decided that corporal punishment should be inflicted. They affirmed that by a majority of 239 to 56, something like 4 to 1. No doubt there had been a great many speeches made since, and arguments used, some of more and some of less force. The other day he stated his own views, and why he did not consider it desirable to reduce the number of lashes below 50—he did not say that that number should always be inflicted; but he was advised that if that number were lowered it would be necessary, for purposes of discipline, to have recourse to the more severe alternatives of punishment enforced in foreign Armies. Notwithstanding this, there was a general appeal from various quarters of the House; and it was pointed out that, in the majority of cases, the whole punishment of 50 lashes was not inflicted. Twenty-five lashes was the usual sentence of courts martial. [“No!”] Yes; that was an argument used. Well, taking into consideration what he believed to be the general feeling of the Committee, weighing the matter carefully, not willing to take the responsibility of a step weakening the bonds of discipline, and, on the other hand, willing to defer to the feeling expressed in Parliament, under the statutory power of which the Army was regulated, he accepted the Amendment of the hon. Member for Horsham. There were many Members who spoke against the more severe punishment who were prepared, though reluctantly, to assent to the punishment of 25 lashes. But, unquestionably, if he had known this was to be made a mere stepping-stone to the attempt by a more inconvenient mode to reverse the decision to which the House had come by a majority of 4 to 1, it would have been his duty, at all hazards, to resist the Amendment, and insist upon the clause as it was. He must ask hon. Gentlemen to remember that, after all, the Bill was for the purposes of discipline; it was not for the purpose of regulating the conduct of good soldiers, but of those rough elements of the Army under circumstances requiring to be dealt with in somewhat of a rough manner. He might resort to arguments already used *ad nauseam*, in reply to those hon. Gentlemen who conscientiously advocated the abolition

of the punishment altogether, to show that, as the Army now stood, such a course must lead to a large number of capital sentences. The responsibility of that he was not prepared to assume. For light offences which, under certain circumstances, might become more serious, to deprive a man of life, and possibly the State of a gallant and efficient soldier, was not a course he was prepared to take at the present time. Finally, after this matter had been discussed, under one form or another, for four days, he ventured to make one appeal to the Committee. This clause was considerably less hard against the soldier than the punishment existing under the present Act. He had always, year after year, thought the Mutiny Bill might be improved; and he had left not one hour unoccupied in thinking how to redeem his promise that the Bill should be improved. Now, was there any advantage to be gained for the soldier by those who made themselves his champions, by delaying the passage of this Bill, tending, as it did, to a more certain administration of justice, and more in accordance with the nature and degree of the offence? He would not have been justified in making these remarks, but for what had been said by the hon. Member for Rochester. This he might say—that already he had agreed to limitations proposed. He had thought, in any case, that non-commissioned officers should not be liable to the same punishment as privates. He had also agreed to place two Schedules on the Table, when the time arrived for their consideration, in connection with the 7th section, showing distinctly the offences for which the punishment should be inflicted by courts martial, or by the provost marshal, and also regulating the punishment on board ship. These would include the most serious offences—such as were specified in the Amendment of the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon). There would be also a limitation of the time during which the provost marshal could order punishment. If it was fenced about so securely with these safeguards that he could not agree to abrogate the power altogether. The reasons he had given were simply these—he was not willing to see corporal punishment inflicted wherever it could be avoided; but the maintenance of the discipline of the

Army, a matter important to the honour and safety of the country whenever war was carried on, required, as he had said, the power should be retained. These were the reasons why he opposed the Amendment of the hon. Gentleman, and he hoped now the Committee would proceed with the Bill.

Mr. PARNELL wished to say a few words before a Division was taken. He would ask the right hon. and gallant Gentleman to re-consider the determination he appeared to have arrived at. Frequently they had been told it was necessary to inflict this punishment, because no other punishment than that of death could be substituted; but, surely, in such offences necessitating the punishment of death it would be easy to find a sergeant, with a couple of rank-and-file, to keep the man in custody until he could be imprisoned and punished in a different way. The right hon. and gallant Gentleman had stated that the House, on the 20th of May, sanctioned the principle of flogging, and, consequently, it could not now retrace its steps; but the House, in the same Division, also sanctioned the principle that flogging should be administered for every offence for which imprisonment might be the punishment. Now, on Tuesday, the Secretary of State for War assented to overturn that decision of May 20, by agreeing to the insertion of the Schedule to which he had referred. Having done so, the Secretary of State for War now sought to shelter himself under that concession from the necessity of taking any further step. He (Mr. Parnell) wished to make an explanation, which was, to some extent, personal to himself. When the Bill was taken into Committee he decided, for reasons of his own, to refrain from all interference, except on certain points on which he had at all times taken much interest. One of these points was the question of prison discipline, and another was this very question of flogging. In pursuance of that resolve, lest he should be tempted to enter into discussion, he remained away for a month during the progress of the Bill, until the question of corporal punishment came on. He felt very much pleased at the concession which the Secretary of State for War had made in reducing the punishment to 25 lashes; and he should feel that his own duty had been entirely discharged if they could now, as a result of this day's

proceedings, secure the total abandonment of flogging. He should then wash his hands of the Bill, and refrain from any further connection with it during its progress through Committee. But he could not help seeing that if the right hon. and gallant Gentleman persisted in his defence to stand by flogging, it would be necessary to ask the Committee to hedge it round with a variety of provisions and limitations which did not exist in the Bill, in addition to the Schedules. It would also be necessary to ask the Committee to sanction the principle that certain classes of military men should be exempted from the punishment of flogging. He did not think the House was generally aware that Volunteers on service were by the Bill subject to that punishment. In case it was necessary to call them out, every Volunteer would be liable to a sentence of flogging passed by a court martial composed, not of his own officers, but of officers of the Militia and of the Regular Army, or by a provost marshal. These were very serious points which would have to be considered, and which would take considerable time. Undoubtedly, friction would be induced by the desire, on the one hand, of the Government to pass this important measure this Session; and by the desire, on the other hand, on the part of Members to see that these important questions had due consideration, and that due attention was attracted to them, and the real sense and opinion of the House obtained. Complaint had been made of the time which had been devoted to this question of flogging; but if it had not been so devoted, what would have been the result? If these discussions had not been prolonged by a very small minority from the 20th of May to the 20th of June, this clause would have been passed without the limitation as to the crimes for which flogging should be inflicted, which were agreed to amidst the plaudits of the House on Tuesday afternoon. It was because of the action of that small minority, and because the conscience of the House had been pricked, that that concession was made; and that small minority, having called public attention to the question, were amply justified by the result which had been already achieved. He entreated the right hon. and gallant Gentleman to extend the spirit of conciliation and the desire to make concessions, which he had already

shown, to the total abolition of flogging in the Army; and to mark his government by a noble deed towards the soldier by agreeing in the strong opinion which had been manifested, in and out of the House, in favour of doing away for ever with that degrading punishment.

SIR ROBERT PEEL said, it appeared to him that the reply made by the Secretary of State for War to his hon. Friend opposite (Mr. Chamberlain), who obtained this concession, was really of a very serious character; and although he (Sir Robert Peel) had not taken part in the discussion of this question, he felt bound to call attention to that reply. The threat which was held out to the Committee by the Secretary of State for War, when he intimated that if he had known the discussion would have been prolonged to the present date, he would not have sanctioned that concession on Tuesday, was not fair.

COLONEL STANLEY said, he rose to Order. He was not aware that he made use of any threat to the Committee. What he said was this—he accepted the Amendment of the hon. Member for Birmingham (Mr. Chamberlain) on Tuesday, as being practically the decision of the Committee; but if he had been aware that that would be made a stepping-stone—

THE CHAIRMAN said, he understood the right hon. and gallant Gentleman to rise to Order. In that case, he was entitled to priority; but, otherwise, the right hon. Baronet was in possession of the Committee.

SIR ROBERT PEEL regretted very much if he had misrepresented the Secretary of State, and, if so, he at once withdrew the expression; but, really, he hardly understood the full tenour and aim of the remarks which the right hon. and gallant Gentleman had just addressed to the Committee. However, he understood the hon. Member opposite (Mr. Otway) to suggest that they had now arrived at a state of affairs when it would be necessary to move that the Chairman do report Progress. That was a question which had much concerned him (Sir Robert Peel) during the last few days. No one who had listened as he had to these debates for the last month could fail to perceive that there appeared to be a desire on the part of the House that this Bill should not pass. ["No!"] At all events, the Bill had

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been so modified by the determined and active opposition of hon. Members opposite that it became a very serious question whether, inasmuch as the Bill was admittedly ill-drafted, and had since been so mutilated, it would not be judicious to adopt the suggestion to report Progress. When he said the Bill did not meet the general approval of the House, he was also satisfied that out-of-doors it did not meet with that amount of confidence which it was important that a Bill of that character should receive. The right hon. Member for Birmingham (Mr. John Bright) truly said yesterday, in a manner which must have impressed everyone in the House, that a Bill for the Discipline and Regulation of the Army, brought in at the close of this Parliament, which still maintained punishments of this extravagant character, must affect the character and influence the disposition of young men who might be desirous of entering the Army, and must also affect the willingness of their families to allow them to do so. It would be far better, in his (Sir Robert Peel's) judgment, that they should proceed to the Business which the country wanted to have passed, and which was now delayed. When the Secretary of State for War said he hoped now this Bill would make rapid progress, it should be noted that the hon. Gentleman who had just sat down pointed out that there were still matters which would lead to the most serious discussion, and which would occupy a month, perhaps. And what was the state of affairs on the Paper? There were 180 clauses in the Bill, and, exclusive of 13 put down yesterday, there were no less than 196 Amendments, some of them extending over three pages of the Papers. Was it likely that the House of Commons, which was interested in the well-being of the Parliamentary Army of the country—an Army that cost the country some £16,000,000 a-year—was it likely that they should lightly allow the Government to pass a measure which deeply involved the real interests of those who served in the military ranks? Military Members had repeatedly asked questions in this sense. There was to be a Committee for the re-organization of the Army, on which only military men were to be appointed. Would it not be far better to allow the Committee to consist both of military

men and of civilians; and, also, that the Committee should report upon the re-organization and regulation of the Army before Parliament embarked on a Bill of this kind—a Bill involving 180 clauses, and which was to be a substitute for the Mutiny Act? He did not like the substitution of this Bill for the admirable opportunities which they had of annually discussing the Mutiny Act; but the Chancellor of the Exchequer had told them the reason why. He told them, at the beginning of the Session, that however much in a business-like manner they might discuss this Bill, one of the chief reasons of the Government for introducing it was in consequence of the factious opposition with which the passage of the Mutiny Act had been met. Now, he (Sir Robert Peel) thought it was very unfair to limit the opportunities of the House for the discussion of provisions affecting an Army which cost the country £16,000,000. He thought the Government had far better adopt the suggestion to report Progress, and take the Committee into their confidence, and proceed with Business which was really pressing, and to which hitherto only little strips of time had been allotted. During the last two or three years their time had been solely occupied with matters affecting foreign interests. There were now on the Paper 21 or 41 Government Bills, and as many others; and before another month all those would have to be set aside in favour of the discussion of a Bill upon which the House looked with a very askant eye. He urged the Government to listen to the opinions expressed both in and out of the House, and to proceed with Business of infinitely greater importance and infinitely greater interest.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Robert Peel.*)

SIR WILLIAM HARCOURT hoped the Committee would not adopt the suggestion which had been made. It was plain that the right hon. Baronet had not been a constant attendant at the discussion of this Bill, or he would hardly have given the description of it to which they had recently listened. In the first place, the right hon. Gentleman told them that this was a very ill-drafted Bill. That was a matter of opinion,

SIR ROBERT PEEL said, he had heard the hon. and learned Gentleman say so himself.

SIR WILLIAM HARCOURT replied, that he was very much astonished at the statement, for it was entirely contrary to the opinion he had always held. He had always thought, considering the difficulty of the subject, that the measure was a marvel of drafting. He had always thought so and said so. What was more, he could prove it, even to the right hon. Gentleman himself. The Bill had been very minutely examined, and he did not think he ever recollected a Bill in the House of Commons which had been so little altered. The Amendments, until they reached the present clause, had been extremely slight, and of the objections raised hardly one had been sustained. If they were to examine the record of the House, they would see that there had been hardly any alterations in the first 43 clauses. Therefore, he entirely demurred to the statement of the right hon. Baronet that the Bill had been mutilated. At the last Sitting, it was true that, after considerable discussion, an Amendment was accepted by the Secretary of State for War; but he did not call that mutilation.

SIR ROBERT PEEL must correct the hon. and learned Member; what he said was that the Bill ran a risk of being mutilated.

SIR WILLIAM HARCOURT thought his ears must have deceived him. Apparently, his right hon. Friend and he reciprocally misheard one another. The right hon. Baronet seemed to have heard him say that the Bill was ill-drafted, which he never said; and he appeared to have heard the right hon. Baronet say that the Bill had been mutilated, which he never said. But, then, if the Bill had not been mutilated, he thought he might maintain there had never been a measure of such a character so little changed. They had disposed of the whole of the clauses as to crimes in the British Army—practically speaking, therefore, of almost the whole of the subject-matter which came under the consideration of the Committee last year; and that having been done, they were now told that this Bill was so ill-drafted, and was so likely in the future to be mutilated, that they ought not to go on with it. As practical men, he would ask the Committee whether they

were going to throw away all the labour that they had expended upon this Bill up to this time? The right hon. Baronet, at the end of his remarks, suggested that they should go on with other pressing Business; but was not this pressing Business? How came this to be the first Bill pressed on by the Government? Because, at the instance of the hon. Gentleman the Member for Meath (Mr. Parnell) and others, the Ministry gave a pledge last year that before the Mutiny Bill was again brought in, an amending Army Bill should be introduced. Therefore, the most pressing Business with which they had to deal was this very Act, which they must pass this Session. If they did not, they would have the existing law in force, and under that law the 50 lashes would still remain. They would also have this discussion all over again on the Mutiny Bill, and a more unpractical course for a House which professed to be composed of men of business he could not conceive. To take the course recommended by the right hon. Baronet would be simply to stultify the Committee in its own eyes and in the eyes of the world. The Government were now under a pledge to the hon. Member for Meath that the Mutiny Bill should not be proceeded with without amendment. If they failed to pass the present measure, did they think this Government, or any other Government, would undertake such a course again? It would be most unwise to part from this Bill, for if they did they would part for many a long year from any hope of improvement. ["No, no?"] The hon. Member for Meath shook his head. Perhaps he might be the head of the Administration which would introduce the amending measure; but, at any rate, if this Bill failed, it would be a long time before the Government would touch the question again. Would it not, therefore, be far better for the House to introduce such Amendments into the proposed law as they could? He ventured to ask the attention of hon. Members below the Gangway especially to another reason. They had heard a good deal of late about the assertion of the Prerogative, and the decline of Parliamentary powers; but there never was a measure which more enlarged the authority of Parliament than this Bill. It incorporated into the Statute and brought under Parlia-

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mentary authority the whole of the Articles of War; and surely, for that reason alone, it ought to be received with eagerness, and supported with heartiness, by the whole of the Liberal Party. This was one reason why he thought this a most valuable Bill. If they rejected it, they re-instated the Articles of War in the position they occupied before. He always thought it an immense concession that those Articles were incorporated in this Bill; and yet if the measure were rejected now an enormous Constitutional advantage would be thrown away, which he did not expect they would ever get again. The right hon. Baronet had said that he had heard considerable objection made to this Bill; but from whom did the objection come? He knew that there were a great many persons connected with the Army who did not like the Bill for the reasons he had stated. There was a strong feeling in the minds of many military men against inserting the Articles of War in a Statute, and that was why there was a strong disposition in some quarters to reject it. Was not that also a reason which should tell with hon. Members on that side of the House? They now had an opportunity of settling this question, and they could do what they liked with it. They could pass all the clauses as to the Articles of War, for all the most important parts were incorporated in the Bill. Was it worth while to throw away all the labour which had been spent in perfecting this Bill? There had certainly been a good deal of discussion; but he had seen nothing like undue obstruction, although the measure had been examined very carefully upon this question of flogging. He had thought that the matter was settled at the last Sitting by agreement. What then happened? The hon. Member for Birmingham (Mr. Chamberlain) urged that the crimes were too extensive which were to be punished by flogging, and that those crimes ought to be scheduled. He supported that contention, and the Government accepted the Amendment. That of itself was an immense concession; because he was quite certain, when they came to the Schedule, it would be the feeling of everybody in the House that the crimes which were inserted in it should be

punished, as they were crimes of a very heinous nature. There were offences which it would be impossible to punish in any other way. The hon. Member for Meath said that an officer might be sent to the rear with two or three soldiers to guard the prisoner. But how could that be done, for instance, when on the march in South Africa? Unless they had this corporal punishment for heinous crimes, the result must certainly be to largely increase capital punishment. Next, what happened? The hon. and learned Gentleman the Member for Stockport (Mr. Hopwood) proposed six lashes. The hon. Member for Horsham (Mr. J. Brown) suggested 25; and he might be mistaken, but he understood the hon. Gentlemen below the Gangway to say that if the Government would accept the 25, that should be taken as a settlement of the question. Certainly, the hon. and learned Member for Stockport did withdraw his Amendment, in order to make room for the other Amendment, and that was accepted by the Government. That seemed to him to be a reasonable settlement of the question, and he thought the House so accepted it. He did not at all understand that they were to go on discussing whether there was to be any corporal punishment at all. Certainly, he did think that they might now come to a final decision upon this clause, and then they would have done with all the definitions of crimes and punishment; and the remaining parts of the Bill, though matters of importance, were certainly of less moment and of a far less contentious character than those which they had up to the present considered. He could not understand how it could be consistent with any decent common sense, after proceeding as far as they had done in a very satisfactory way, or, at all events, in a way with which Members were not dissatisfied, that they should throw away everything after all. The right hon. Baronet had talked of measures of more importance, but he knew of none which were of so much importance as this, which concerned the discipline of the British Army; and he knew of none more pressing than this, because it was absolutely necessary that they should pass it before the end of the Session. He, therefore, hoped the Committee would not accept the proposal.

MR. SHAW rose also to express a hope that the Committee would not agree to the proposal. After the time, the care, and attention which had been spent on discussing this Bill, if they took the course suggested by the right hon. Baronet, both sides of the House would look exceedingly foolish. It was very important to pass this Bill. The Government evidently felt it to be so; and, as far as he was concerned, he was inclined to help them through with it, provided fair opportunity were given for discussion. He had watched what took place with great care, and he quite agreed that nothing like obstruction had been offered to the Bill. There certainly was a deep dislike to flogging, not only in the House, but in the country; and hon. Gentlemen who sat near him were doing nothing but their simple duty in attempting to modify and, if possible, entirely to get rid of the corporal punishment of our soldiers. He said that, because there were rumours in the House that the Government intended to press this Bill through by means of something like physical force. It was said that the right hon. Gentleman the Chief Secretary for Ireland and the Judge Advocate General were to take command of the Ministry that night, and that re-inforcements were arranged to follow at various times. He did not believe that for a moment; and he did hope that nothing of that kind would be attempted. The Committee might be quite sure that that could only result in dissatisfaction. Although he had not spoken, he had voted against flogging, because he disliked it exceedingly, and believed in his heart it was one of the greatest injuries to the British Army. The way to make men brutes was to treat them as brutes. Certainly, no one could deny that flogging was a barbarizing punishment; on the other hand, if they abolished it, he believed they would do much to raise the character of the Army, and, for this reason, he would do everything in his power to get rid of it. No doubt, the right hon. and gallant Gentleman the Secretary of State for War was placed in an exceedingly difficult position. He tried to put himself in the right hon. Gentleman's place, and to ascertain by that means what he would do. He had listened to every lawyer who had spoken on this subject, and he would not, if he

were the right hon. and gallant Gentleman, say a word to any one of them in reply. He had listened to every military man who had spoken, and he would treat all those in the same way. But he would, in spite of all of them, try the effect of abolishing this punishment for three years; and he would introduce a clause to that effect into the Bill, feeling quite certain that flogging afterwards would never again be allowed in the British Army. The troops, he believed, would not be worse, but better than they were at the present time. They would get a better class of men in the Army, and this would be made a real Profession, not a body of men drawn from the very lowest class. He did not know whether it was too late to suggest this alteration to the right hon. and gallant Gentleman; but, certainly, if he could see his way to trying it, he would be perfectly safe in doing so. He was asked what could be done with men who were guilty of these abominable offences, as it was said they could not send them to the rear. But what did they do with them now? They made invalids of them, so that they were scarcely able to walk. If a man committed some beastly crime, he would not flog him, but he would put some brand upon him. [An hon. MEMBER: Shoot him.] No; he would not shoot him at once. While with the Army he would make him work by carrying baggage; he would put him amongst the bullocks. He would have the full value out of him whilst he had him; and then, when they got to some town, he would put some brand on him, and send him into the world with that brand upon his forehead. He did hope the Secretary of State for War would think of the possibility of trying the suggestion he had made of abolishing this punishment for three years.

COLONEL STANLEY hoped the Committee would not assent to the Motion of the right hon. Baronet; and, after the clear manner in which his hon. and learned Friend opposite (Sir William Harcourt) had stated the question, he did not think it was necessary for him to say anything as to that part of the argument. With regard, however, to the speech of the hon. Gentleman who had just sat down, he might say that he had never himself complained of obstruction, although he might have his own opinions about the discussion, and

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mentary authority the whole of the Articles of War; and surely, for that reason alone, it ought to be received with eagerness, and supported with heartiness, by the whole of the Liberal Party. This was one reason why he thought this a most valuable Bill. If they rejected it, they re-instated the Articles of War in the position they occupied before. He always thought it an immense concession that those Articles were incorporated in this Bill; and yet if the measure were rejected now an enormous Constitutional advantage would be thrown away, which he did not expect they would ever get again. The right hon. Baronet had said that he had heard considerable objection made to this Bill; but from whom did the objection come? He knew that there were a great many persons connected with the Army who did not like the Bill for the reasons he had stated. There was a strong feeling in the minds of many military men against inserting the Articles of War in a Statute, and that was why there was a strong disposition in some quarters to reject it. Was not that also a reason which should tell with hon. Members on that side of the House? They now had an opportunity of settling this question, and they could do what they liked with it. They could pass all the clauses as to the Articles of War, for all the most important parts were incorporated in the Bill. Was it worth while to throw away all the labour which had been spent in perfecting this Bill? There had certainly been a good deal of discussion; but he had seen nothing like undue obstruction, although the measure had been examined very carefully upon this question of flogging. He had thought that the matter was settled at the last Sitting by agreement. What then happened? The hon. Member for Birmingham (Mr. Chamberlain) urged that the crimes were too extensive which were to be punished by flogging, and that those crimes ought to be scheduled. He supported that contention, and the Government accepted the Amendment. That of itself was an immense concession; because he was quite certain, when they came to the Schedule, it would be the feeling of everybody in the House that the crimes which were inserted in it should be

punished, as they were crimes of a very heinous nature. There were offences which it would be impossible to punish in any other way. The hon. Member for Meath said that an officer might be sent to the rear with two or three soldiers to guard the prisoner. But how could that be done, for instance, when on the march in South Africa? Unless they had this corporal punishment for heinous crimes, the result must certainly be to largely increase capital punishment. Next, what happened? The hon. and learned Gentleman the Member for Stockport (Mr. Hopwood) proposed six lashes. The hon. Member for Horsham (Mr. J. Brown) suggested 25; and he might be mistaken, but he understood the hon. Gentlemen below the Gangway to say that if the Government would accept the 25, that should be taken as a settlement of the question. Certainly, the hon. and learned Member for Stockport did withdraw his Amendment, in order to make room for the other Amendment, and that was accepted by the Government. That seemed to him to be a reasonable settlement of the question, and he thought the House so accepted it. He did not at all understand that they were to go on discussing whether there was to be any corporal punishment at all. Certainly, he did think that they might now come to a final decision upon this clause, and then they would have done with all the definitions of crimes and punishment; and the remaining parts of the Bill, though matters of importance, were certainly of less moment and of a far less contentious character than those which they had up to the present considered. He could not understand how it could be consistent with any decent common sense, after proceeding as far as they had done in a very satisfactory way, or, at all events, in a way with which Members were not dissatisfied, that they should throw away everything after all. The right hon. Baronet had talked of measures of more importance, but he knew of none which were of so much importance as this, which concerned the discipline of the British Army; and he knew of none more pressing than this, because it was absolutely necessary that they should pass it before the end of the Session. He, therefore, hoped the Committee would not accept the proposal.

the Government only made reasonable concessions after four days discussion—in fact, they could get nothing from the Ministry except by what was commonly called obstruction; and, therefore, the Ministry had no right to complain if opposition were carried further than previously they had been accustomed to carry it. Well, he accepted with gratitude the concession of the Government; but, at the same time, he intended to continue and persist in his opposition to the practice of flogging. His hon. and learned Friend said they were doing very wrong not to utilize the opportunity given by this Bill, and that if they did not accept what was now offered it would be a good while before they would get another chance. His hon. and learned Friend was mistaken in that assertion. If the present Bill did not pass they would have an opportunity of amending the Mutiny Bill, not once, but every year; and he was quite certain, now that this matter of corporal punishment had once been raised, that it would never be dropped until the experiment of its abolition had been tried. If, then, this present Bill were abandoned, the Mutiny Bill would be opposed year after year by an annually increasing number of Members, backed by an enormous support outside the House; while, if they passed this present Bill, with its regulation for 25 lashes, they would be passing a permanent measure which they would have no opportunity of revising, except by promoting a Private Bill, which, as they all knew, had very little chance of being carried. Under these circumstances, he contended that he and his Friends were justified in offering the kind of opposition which had been already successful, until they had succeeded in dragging fresh concessions from the Government. He had hoped that some consideration would have been given to the suggestion just made by the hon. Member for the County of Cork (Mr. Shaw), to abolish the punishment for a limited time. He quite understood the feeling of the right hon. and gallant Gentleman the Secretary of State for War, and he knew that he had a conscientious conviction that the discipline of the Army could not be maintained without the infliction of this punishment; but then the right hon. and gallant Gentleman must give him credit for having an equally conscientious conviction that the condition of the Army would be materially elevated if it

were abolished—and the right hon. and gallant Gentleman need not let his convictions stand in the way of such an experiment as had been suggested. Let them try its abolition for a year; and if they then found that the bonds of discipline had become loose because they could not flog the soldiers, they could then come to the House and confess their failure. He would only add, on sitting down, that the friends of humanity and the friends of the British Army owed a great debt of gratitude to his hon. Friend the Member for Meath (Mr. Parnell) for standing up alone against this system of flogging, when he himself and other Members had not got the courage of their opinions. The hon. Member had opposed flogging in the Mutiny Bill, but unsuccessfully; he had opposed it unsuccessfully in the Prisons Bill; but now he raised it again, and he hoped that his efforts would be crowned with success.

SIR WILLIAM HARCOURT wished to say just a word in explanation, for he had been rather misunderstood. If the present Bill were passed, the hon. Member for Birmingham (Mr. Chamberlain), or any other Member, would not be debarred next year, or any other year, from raising again this question of flogging. In one sense this Bill might be called a permanent measure, but in another sense it was only an annual Bill; and it would be quite competent for any hon. Member, on the ordinary annual Bill, to move a provision that flogging should be abolished, or to move any other Amendment which he could move on the present Bill.

MR. NEWDEGATE complained that for the last two or three years the Business of the House had been obstructed, and he appealed to the right hon. Baronet not to aid in any way the section of the House which had been so acting. The House ought not to give up in this way to a mere section of its Members, who were persisting in the very course which the Committee on Public Business had condemned.

MR. RYLANDS protested against the language of the hon. Member. The Committee had now before it a most important Act of Parliament disturbing Constitutional principles—[“No, no!”]—he said disturbing Constitutional principles, not overriding or overruling them. The Bill disturbed the Constitutional principle that every year the

Mr. Chamberlain

House should have before it a Mutiny Bill, defining from year to year the regulations and discipline of the Army and the control of the Crown. They were now asked to give up that power of control to a very great extent. No doubt, what the hon. and learned Member had stated was exactly true, that some Amendments might be proposed in the Continuation Bill; but it could only be done with great difficulty, according to the Forms of the House, by getting instructions given to the Committee which would enable them to propose some Amendment. But did the hon. and learned Member for a moment believe that any independent Member of that House would have the slightest chance of making any such proposal? Hon. Members must know perfectly well that if they passed this Bill they passed it in a form which would be permanent for many years to come, and that they would have nothing like the opportunity they had hitherto annually enjoyed of dealing with these important matters. Yet, when they were thus dealing with important principles, they were lectured by the hon. Member for North Warwickshire as though they had been guilty of obstruction. He knew what was intended. The object of the hon. Member was to fasten upon the Opposition the charge of obstruction; but what had been already accomplished would show the public that the Opposition were fully justified in the course that they had taken.

THE CHANCELLOR OF THE EXCHEQUER observed, that such observations as had just been made by the hon. Member for Burnley (Mr. Rylands) came too late, and were altogether out of place at the present moment. The hon. Gentleman raised a question, not with regard to the particular clause now before the Committee, but a question as to whether it was or was not right to proceed with a Bill which would place the military law and the system of Army discipline and regulation upon the footing which it would be placed by the passing of an Act which was to be in one sense permanent, but which would require an annual Act to set it in motion every year. That was, no doubt, an important question; but it was one which the House had already decided. It was not a question of what the hon. and learned Member for Oxford (Sir

William Harcourt), or his right hon. Friend behind him (Sir Robert Peel), or anybody else, might think upon the matter, because that question had been decided by the House by passing the second reading of the Bill, and by agreeing to go into Committee. There would still remain, in the ordinary course of things, an opportunity to hon. Gentlemen, if they thought it right, again to challenge the principle of the Bill. It was, however, absolutely impossible that any Bill of any kind or sort could be conducted through that House if they were, in the course of the Committee, from time to time to take opportunities of re-opening and challenging the whole principle of the measure. The hon. Gentleman who had just sat down said that an attempt had been made to fasten upon him and others a charge of obstruction. Nobody would fasten a charge of obstruction upon any Gentlemen who did not first fasten it upon themselves. There was no objection, and none could be made, to any fair discussion of the principles of each clause as they came to it, or of any Amendment which anyone thought right to propose. There had been a long discussion upon this very important clause, which was still in the hands of the Committee; and the Government desired nothing better than that the Committee should go on and finish the clause, with which it had already made so much progress. They had shown, in the course they had taken, that they were not indisposed to listen carefully and candidly to the arguments brought forward; but the Committee had now come to a point at which it was necessary, and at which it was the duty of the Government, to say distinctly—"We cannot accept any of the suggestions thrown out or proposals made by hon. Gentlemen in the course of this discussion." Hon. Members were within their right in proposing them, and they might take the sense of the Committee upon them. He did protest, however, against their allowing themselves to fall into a practice which would be utterly fatal to the progress of any Business which had to be conducted through the House. The House decided the principle of a Bill when it agreed to go into Committee, and if it was necessary to challenge that principle again, there was a further oppor-

tunity of doing it. He did earnestly hope that after this conversation, which might not have been without some use, now that the right hon. Gentleman had asked to withdraw his Motion for reporting Progress, the Committee would, in the interests of all parties, and not least, he thought, in the interests of the House itself, allow the Motion to be withdrawn, and proceed with the consideration of the Bill as it stood before them. No time could be better than the present for going on with that important discussion. The House was thoroughly alive to the points at issue. Hon. Members desired to express their opinions upon it; and he did earnestly impress on the Committee that that would be the sensible and Constitutional course to pursue.

MR. SHERIDAN said, there seemed to be some misconception as to what took place on Tuesday. He suggested to the right hon. and gallant Gentleman on that occasion that an excellent opportunity was afforded for a compromise, by reducing the number of lashes from 50 to 25. The right hon. and gallant Gentleman did not avail himself of the proposition as he submitted it to him; though, subsequently, when the noble Lord (the Marquess of Hartington) had also expressed himself to that effect, he said that he had been convinced, by what had fallen from his Friends and the hon. and gallant Member for Renfrewshire (Colonel Mure), that the time had come when he could safely make the proposed reduction. Under these circumstances, he thought it was justifiable, after hon. Gentlemen heard this, to consider they were not bound by the proposal for a compromise. He had hoped that a correct view of all the circumstances would induce his hon. and learned Friend (Sir William Harcourt) to come to the same conclusion. He thought, however, that he himself was bound by the compromise which he offered; and, therefore, he should withdraw when a Division was taken on that point, because he considered himself bound by the suggestion he had made.

SIR GEORGE BOWYER wished to suggest that, instead of losing time in the discussion upon the number of lashes that should be given, or the number of tails to the lash, some hon. Member should propose a distinct Amendment

that the punishment should be totally abolished, and let a Division be taken, and let that settlement be final. ["No, no!"] Well, if the decision of an Assembly like that were not to be taken as final, it would be impossible to transact Business.

MR. CALLAN was sorry that the Committee had not disapproved the charge made by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), instead of by silence giving it a qualified acceptance. He wished, also, that the Chancellor of the Exchequer would assure the Committee that the statement of the hon. and learned Member for Oxford (Sir William Harcourt) was correct—namely, that next year they would have the same power of discussing the Mutiny Bill as they now possessed. Such an assurance would greatly facilitate the discussion, and would induce him, for one, not to take the part he otherwise should in opposing this Bill. He must remind the Committee, however, that in the year 1874, on the Expiring Laws Continuance Bill, it was ruled by the Chairman that they had no power to introduce any Amendments into the Coercion Act.

MR. PARNELL said, the hon. and learned Member for Oxford contradicted himself; for while he told them in one breath if this Bill dropped and the old Mutiny Bill passed they would be unable to restrict the number of lashes, he told them almost immediately afterwards that they would be able every year to direct attention to this question of flogging, and to restrict the number of lashes in the discussion on the annual renewal of the Prisons Act.

MR. OTWAY wished to explain to the right hon. Baronet opposite (Sir Robert Peel) that he did not move to report Progress, but merely suggested it, in order that the right hon. and gallant Gentleman the Secretary of State for War might consult his military advisers as to whether this fragment of the punishment of flogging was worth preserving. He wished, also, to utter one word of warning; and to ask his hon. Friends, from his own experience, to mistrust counsels that came from the front Bench on each side of the House, especially on questions of this kind. When he first brought this question before the House, the spirit in which he

was received by Mr. Disraeli and the late General Peel did them the greatest credit and honour, and was a marked contrast with the reception it met from right hon. Gentlemen on his own side, he being then in the Opposition. He was not surprised at the support the hon. and learned Member for Oxford gave this Bill; for, if he was correctly informed, although he was not then in Parliament, no one was more strenuous than his hon. and learned Friend, when Chairman of the Committee, in preventing this question of corporal punishment from being discussed.

SIR WILLIAM HARCOURT begged pardon—the question was never raised on that Committee.

MR. OTWAY replied, that, of course, he must have been misinformed; but he received his information on authority which was more than abundant. But he wanted to show his hon. and learned Friend how far he had allowed his partiality to exceed his logic. He pressed them to accept a Bill which was such a marvel of drafting as to be almost perfection, and then had next to state that the right hon. and gallant Gentleman the Secretary of State for War had made important concessions in a Bill which, they were told, had been well and carefully considered. In this Bill, the right hon. and gallant Gentleman in charge had made most important concessions in one of its most important clauses. What he wished to point out was that it was important for them who were earnest in this matter, and were determined to remove from the British Army this disgraceful thing, not to listen to, or be bound by, what were called compromises or agreements. He listened with the greatest regret to the proposition made yesterday by the hon. Member behind him (Mr. J. Brown), not because his motives were not most excellent, but because he desired only to modify a barbarous punishment. He (Mr. Otway) knew that some hon. Gentlemen would immediately endeavour to fix upon them the statement that a large section of the Liberal Party had accepted that compromise as a fit and suitable termination of the discussion. But he would tell the Committee that the Liberal Party in the country would never accept a compromise on this question; and the prospect which his hon. and learned Friend had held out to the Committee, and the con-

stant repetition of these discussions, made it well worth the while of the Committee to consider whether such a thing would be desirable or not. He had seen no obstruction at present on this question. The right hon. and Gentleman opposite (Colonel Stanley), who was the best judge of the matter, had declared that the opposition offered had been fit and proper, and that he was not one to carry opposition beyond that which he considered fair and right. But up to a certain point, and at every legitimate opportunity, they would force on the notice of the House and the country the consideration of this question. He would, therefore, in the most sincere desire to see this useful measure carried through, advise the right hon. and gallant Gentleman to avoid a discussion which must evidently partake more or less of a Party spirit, and make up his mind to settle this question once and for all.

MR. ASSHETON CROSS said, he rose merely for the purpose of answering the question which had been put by the hon. Member for Dundalk, whether the Government would endorse what fell from the hon. and learned Member for Oxford as to the right of any hon. Gentleman every year to raise this question? What had been stated by his hon. and learned Friend the Member for Oxford was true; an opportunity would be afforded every year of raising the question. He regretted very much what had fallen from his hon. Friend (Mr. Otway) on the subject. He appealed to the common sense of the Committee whether anything new had been said on the matter; and he defied anyone to say whether the question had not been pressed on the attention of the House and the country. He trusted that, as common-sense people, they would now take a Division.

THE MARQUESS OF HARTINGTON: I think the House would do well to proceed now with the consideration of the Bill in Committee. The question actually before us at the present moment is one raised by the right hon. Baronet the Member for Tamworth—whether it is desirable that further progress with the Bill should be altogether suspended? I am very far from saying that circumstances may not arise in the course of the consideration of a Bill in Committee which may make it necessary for the

House to be invited to take a general view of the situation, and to decide whether the Bill, at the stage which it has reached, ought to be proceeded with or not; but I venture to say that nothing has taken place in the course of this Committee which would warrant the House taking such a view of the situation. My hon. and learned Friend (Sir William Harcourt) has shown conclusively that no material alteration in the form, scope, or shape of the Bill has been made; and it would be altogether a new and most unfortunate doctrine to lay down that an Amendment—even an important Amendment—of a clause was a reason why a Bill should be dropped. Some reference has been made to a supposed promise given on Tuesday; and I think it is to be regretted that on that subject the hon. and learned Member for Stockport (Mr. Hopwood) has not stated what his understanding was. I am not prepared to say that my recollection is accurate of what took place; but I understood that my hon. and learned Friend made a very conciliatory speech, which I thought was of the nature of a proposal for a compromise. I find I have misunderstood the situation, and that a great many Members have no idea there was any compromise at all. I do not intend to trouble the Committee at any further length. The Government have freely expressed their willingness to discuss the clauses of the Bill, and I do not think they can be expected to do more. And I am sure the Committee will be inclined to pay attention to any hon. Members. I acknowledge the importance of the subject, and the good faith with which it has been brought forward; but the importance of any subject must be, in a certain degree, relative, and very few subjects, indeed, are so important that they ought to be allowed to engross the attention of the House to the exclusion of all other questions. I am sure that if hon. Members will endeavour to discuss the subject within reasonable limits, they will find there is no imputation of obstruction; and I hope I shall not appeal in vain when I ask those on this side of the House to restrict their observations to reasonable limits. In that way we shall arrive at the end, which, I am sure, we all have in view—namely, the carrying into effect of a reasonable, mild, and salutary system of punishment.

The Marquess of Hartington

MR. HOPWOOD said, he regretted very much if he had misled his noble Friend in any way with regard to the opposition of Tuesday. But he did not understand it at all in the way that had been stated. He was in the recollection of the Committee as to what took place. The question then was his Motion that the number of lashes should be restricted to six. The hon. Member for Horsham (Mr. J. Brown) proposed 25; and he, conceiving that if he gave up six and 25 were carried it would be a great gain to the cause, adopted it. He asked his hon. Friends who were acting with him to allow him to withdraw his Amendment, explaining that it bound them to nothing. He also stated that he should go on with his other Amendments, one of which was to make the limit 50 stripes. The Committee would remember, also, that immediately after the 25 lashes were accepted he moved an Amendment as to the number of thongs; and how could he have done that if he had agreed to any compromise? And now he begged to ask the Ministry to remember that this question of flogging was the main difficulty in the way of the Bill. Let them remember, also, that this was a moribund Parliament; that this flogging was regarded with hate and dislike in the country; and that they must soon face the judgment of the electors. He only heard a day or two ago of a friend of his who had to meet a constituency as a candidate, and because he had voted against flogging he lost the seat. They had already fought on this question; but it was not too late for Ministers to repent, even if their repentance did come a little tardily. The Home Secretary stated that nothing new was to be said on the question. That was the case 40 or 50 years ago. It was also the case when they first began to fight this question a month ago. Yet they had succeeded in securing, by their persistence, this wholesome reduction of 50 per cent in the number of lashes. Let them, then, continue to fight, and they must succeed in wiping this law from the Statute Book. It was utterly subversive of humanity; and the feeling in the country against it fully justified the opposition of himself and his Friends.

MR. GOLDNEY said, he understood that the hon. and learned Member for Stockport said he would not withdraw

unless the Government accepted the compromise proposed; and when that had been agreed to, he asked leave to withdraw his Amendment. He, for one, was very instrumental in getting that accepted on that side of the House; and he believed that the general belief on both sides was that it was withdrawn on that ground.

THE CHANCELLOR OF THE EXCHEQUER hoped they would not allow themselves to be carried on from one discussion to another, and that they would not enter into what he might term this co-collateral question. They really did not want discussed what took place on Tuesday. The hon. and learned Gentleman had stated what he understood was done; and he would now earnestly press the Committee to allow this matter to be treated in the ordinary business way. His right hon. Friend wished to withdraw his Motion for reporting Progress; and, if that were done, they might go on with this Bill, otherwise he was afraid they would never come to a decision at all.

MR. CALLAN thought the conduct of the hon. and learned Member for Stockport had been altogether upright and above-board, and, in his opinion, it was very creditable to him. His Amendment was not withdrawn on any understanding for a compromise, nor had he misled anybody by acting as he had done.

MR. BIGGAR, in reply to the hon. and learned Baronet the Member for Wexford (Sir George Bowyer) said, that he, for one, could not at all accept the advice that he had just given. That advice was that they should take one Division upon the question whether there should be corporal punishment or not? That would not settle the question at all, for there was an endless number of degrees of corporal punishment. The Home Secretary had said that there was nothing new to be urged on the subject; but that was a very great mistake, for there was an enormous deal to be said on all branches of it. He had not the slightest doubt, if the opponents of the Bill would persevere, that they would finally get rid of this enactment.

Motion, by leave, withdrawn.

Original Question again proposed.

MR. JUSTIN M'CARTHY said, with reference to the assertion of the Home Secretary that nothing new could be said on this subject, he thought he could bring as to this precise passage of the clause they were now discussing some evidence taken from a source not very commonly known to the Members of the House. It might be in the recollection of some hon. Members of the Committee that, in the year 1837, a Committee of that House was appointed to consider the whole question of the treatment of convicts in our Australian Colonies. They went most fully into all the details of that subject, and they contributed a most remarkable series of observations with regard to the effect of flogging on the physique of the convicts. He doubted very much whether the whole literature of the world contained so minute, so complete, or so horrifying an analysis of the operation of this practice on the physique of the men. In page after page, and column after column, were the most minute statements of the number of lashes inflicted, the effect upon each man, who bore it well, who suffered much; how many lashes nearly destroyed one man, and how many another could easily bear. At that time, under our convict system, it was in the power of magistrates in penal settlements to order the corporal punishment of convicts for very small offences. On the mere complaint of a master or a mistress, the magistrate might order up to 50 lashes for the smallest disobedience of orders. Originally, this subject had undergone much inquiry, and the Committee went into the matter very fully. The settlers raised as one objection to the system that it was not severe enough; and they said that the cat was not really so severe and so tormenting as the cat used in the Army. One witness gave it as his very distinct and practical opinion that the amount of "torture" was not enough in all cases to deter convicts from breaking the bounds of order. He said, also, that he had seen the punishment of flogging in the Army, and that there it was much more severe and much more torturing. In these pages they had the description of how boys of 10 bore the punishment, and men of 60, and men of 30, and of what the effects were. One result of this evidence was to show that no one could give a certain opinion beforehand as to how any particular man

would bear the flogging with a cat-o'-nine-tails. The Committee were told that with a cat of another construction it would be very possible to gauge the amount of suffering; but that for some reason, which he himself was unable to explain, the cat-o'-nine-tails was most capricious in its punishments. Surgeons, doctors, officials of all kinds were called as witnesses, and they all told the same story—that men from whom they would not have expected any great powers of endurance sometimes bore their lashing, and, apparently, did not suffer very much; while other men, who seemed strong, yet from their skins being thin and their muscles weak, were utterly broken down by a smaller amount of punishment. There was a case of a very strong man who broke down at the 25th lash, and then the remainder of the punishment was inflicted while he was in a state of positive insensibility. Other men came up with every desire to show pluck, and yet were taken away insensible. It was stated by many witnesses that they had known cases where men had gone off none the worse for their punishment, and apparently not caring about it; while in other cases they were certain the men who were punished would carry to their graves—and to graves made early by this means—the effects of the torture they had received. All this proved one thing, at all events—the utter uncertainty of the punishment. It was as capricious as it was cruel. They could not count on how it would affect a man, or what prolonged suffering it might cause him, or how it might even shorten his life. At the present time, they might have a man punished by court martial for some grave and serious offence, and they might have another man punished by the provost marshal for some trifling breach of order; and the result might be that whilst the first man would bear his punishment easily and think nothing of it, the other man, punished for a mere trifling breach of discipline, would carry away a suffering which would last him all his life, and might lead him to an untimely grave. Merely, then, on the ground that this punishment was capricious and uncertain, he did strongly urge the Government to try and see their way to meet the strong conscientious feeling among many Members present in favour of abolishing this prac-

tice altogether. If they would not do that, he could only offer to them a cry at the Elections, which were now tolerably near. They knew that the Government was charged with making very serious Constitutional changes in the system of the country; and, giving them a free rendering of a certain very famous phrase, let the Government go to the country with the cry of “Our old cat and our new Constitution!”

MR. MACDONALD wished to offer his protest against the hon. and learned Member for Oxford (Sir William Harcourt) coming forward as the chief apologist of this Bill—in fact, it seemed as if he held a brief from the Government to plead their case. He told them it had not undergone any change, when, as a fact, merely on the suggestion of the hon. Member for Birmingham (Mr. Chamberlain), they had shattered 40 clauses of it completely. The reduction of the number from 50 to 25 was also an entire change in the character of the Bill. They had been asked, during the course of that debate, to point out defects by speaking as to the effect of the punishment upon those persons who had been subjected to it. He had heard those who had been subjected to it state once, twice, dozens of times—and that remark he was induced to make because of a statement that fell from the Secretary of State for War, that if they had not that punishment, they must inflict the penalty of death—he had heard those who had undergone that barbarous punishment state again and again, 30 years after the punishment had been inflicted, 10 years after it had been inflicted, 20 years after it had been inflicted—that they would 20 times sooner have gone to the yard-arm than submit to such a punishment. If hon. Gentlemen did not know what going to the yard-arm meant, he would tell them that it meant being hung. Those men would far rather have been hung than suffer the degradation of being flogged. He protested against it, because it was the maintenance of a class over a class. It was the maintenance of a power over those on whom the country depended that was perilous to the State—namely, its soldiers and sailors; and he ventured to say that no class in connection with the defenders of their country should be permitted to mutilate and destroy the bodies of those

Mr. Justin M'Carthy

who were fighting the battles of the country.

Mr. RYLANDS said, he was sorry the Secretary of State for War did not happen to be present, though he was sure the Committee could not complain of him upon that ground. The right hon. and gallant Gentleman's attention to the Bill had been most marked. Now, he wished to point out that the right hon. and gallant Gentleman had seemed to complain of the wording of the Amendment of his hon. Friend the Member for Rochester (Mr. Otway), because he had said that if his hon. Friend had been present in the House on a former occasion he would not have put down an Amendment of that kind. The right hon. and gallant Gentleman said that he had given the Committee an assurance that the cat which was to be used for military punishment should be a cat to be sealed at the War Office, in order to prevent any abuse of the proper instruments of punishment; and he also went on to say that he would take care to make no changes, but would use for the Army a cat of the same description as that which had been in use from time immemorial. Upon that statement he wished to make an observation or two. In the first place, it would be seen that the Amendment of his hon. Friend was to the effect that corporal punishment should not be inflicted on any soldier by the instrument known as the cat-o'-nine-tails, a sealed pattern of which was deposited at the Admiralty. The right hon. and gallant Gentleman did not say what instrument was to be used. It might possibly be the case that he intended that the cat-o'-nine-tails used for the purpose of the Army should not be of the same description as that of which there was a sealed pattern at the Admiralty. If the right hon. and gallant Gentleman would say so, that of course, to some extent, would meet the Amendment of his hon. Friend. He must say, however, that he had heard with regret the statement of the right hon. and gallant Gentleman that the cat he intended to adopt in the Army was of the description which had been used from time immemorial, because he knew that in years gone by the instrument used was of a character which endangered human life. He had been trying to refresh his memory as to the date of a celebrated inquest which

was held upon a soldier; but he had no doubt that hon. Members would remember the date. He alluded to what was known as the Hounslow case, in which a soldier under the infliction of that cat—the very cat which was intended by the Secretary of State for War to be the sealed pattern which was to be handed down to future generations for future punishments—died, and a Coroner's inquest was held upon him, which Coroner's Jury decided that the man had been murdered by the infliction of flogging. That question was brought before the House of Commons at the time, and created a great sensation. What he wished to point out to the Committee was this. He fancied he had been a little misunderstood by the Chancellor of the Exchequer—he was sure quite unintentionally—who seemed to think that he was anxious to raise a question which would more properly have been raised on the second reading of the Bill. He meant with regard to the substitution of a permanent measure of Army discipline and regulation in place of the annual Mutiny Bill. He did not wish to raise the question of the propriety of that course. That was not his argument at all. His argument went to this extent—that, inasmuch as they were now crystallizing, as it were, the military law by a permanent measure, they were justified in giving a more minute attention to the framing of that Act, and occupying more time in its consideration than they would have been justified in doing in the case of an annual Bill. He saw the right hon. and gallant Gentleman returning to his place, and he dared say that he would answer this question—Whether the cat which it was proposed to seal and deposit at the War Office, as he presumed, was exactly the same as the pattern deposited at the Admiralty; or whether he had in contemplation any alteration or modification of the cat-o'-nine-tails which had been in use in the Army for many years past, and in some cases had had in its application very dangerous and injurious effects?

Mr. OTWAY said, he really could not conceive why the right hon. and gallant Gentleman did not accept his Amendment. It was of the simplest possible character, unless the right hon. and gallant Gentleman entirely misapprehended it. He had understood the

right hon. and gallant Gentleman to say that he was prepared to use an instrument of torture of a different character, and not so severe as that which was used under the auspices of the Admiralty. Therefore, why would not the right hon. and gallant Gentleman accept an Amendment so innocent as his, which simply said that if torture was to be inflicted upon the soldier it should not be by such an instrument as that at the Admiralty.

COLONEL STANLEY considered that if he were to accept the Amendment of the hon. Gentleman, the Committee would be in a worse position than they were before. It was a negative Amendment. What he had said was this—that there would be no difference between the various cats-o'-nine-tails used in the Army, and, in order to prevent any possible difference, he would cause a pattern to be sealed, which should be taken from the existing pattern as he found it in the Army. That seemed to him to be perfectly fair. He had never heard, as a matter of hearsay, that it was more or less severe than in the Admiralty. He believed it was neither one nor the other. He considered that he was fit to undertake the responsibility of seeing that what was right was properly carried out.

MR. PARNELL said, that now they had the three right hon. Gentlemen there—the Home Secretary, the First Lord of the Admiralty, and the Secretary of State for War—it would be extremely interesting to know what they knew about those cats, for he rather ventured to think that they did not know anything at all about them. They were told that there was a sealed pattern at the Admiralty, and another at the Home Office for flogging thieves; that at the Admiralty being for use on board Her Majesty's ships. Now they were told that they were to have a third sealed pattern for the Army; but if neither of the right hon. Gentlemen knew anything of the nature of the patterns they had adopted, what guarantee would there be to the House that the Secretary of State for War would not also adopt a pattern of which he knew nothing? Now, let him direct the attention of the Committee, for one moment, to the history of that question, and to the reason which induced the Admiralty to adopt a sealed pattern of

the cat. In a former discussion on the Marine Mutiny Bill, it was asked by his hon. and learned Friend the Member for Louth (Mr. Sullivan) that a pattern should be adopted and laid on the Table of the House. The First Lord of the Admiralty—not the present First Lord, but one of his Predecessors—refused that, but offered to have a sealed pattern deposited at the Admiralty. He was induced to do that, because the noble Lord the Member for Clare County (Lord Francis Conyngham) had pointed out that during his service at sea there were two distinct patterns of cat used on board ship—one of them being a thieves' cat, and the other, which was lighter and of a less severe description, was used for other descriptions of offences. But the noble Lord said that he had frequently seen the thieves' cat used for such offences as breaches of discipline; and he had told how, upon a particular occasion, he had seen the boatswain's mate draw his fingers through the strings of the cat in order to remove the flesh which had been cut from the man's back. It was this that induced the then First Lord of the Admiralty—and he was relating this story for the benefit of the present First Lord—to say that he would seal a pattern at the Admiralty. But he wanted to know how this matter had progressed; and he thought they were entitled to learn, at that stage of the discussion, how much the right hon. Gentleman knew of the cat—how many knots there were in it?—because some cats had two knots, and some five or six. He wished to be informed what description of cat it was that had been sealed? Members of the House could not go and see those things for themselves. They could not go inside prisons—they could only glean from report; and they had always heard that the prison flogging was of a very severe character. But if flogging in the Army was to be made as severe as in the prisons, they would find that they had retrograded very considerably, and that the reduction of the number of lashes from 50 to 25 would be of no practical benefit to the men. He could not see why the cat should not be altogether abolished. He thought they were entitled to know the views of the Secretary of State for War upon that matter, as he had never yet expressed them. They had been told, by a variety of the

Mr. Otway

right hon. and gallant Gentleman's supporters, that because the punishment was of a degrading character they had retained it. Now, they could disgrace a soldier just as much by flogging him with a rod as with a cat-o'-nine-tails; and he wished to ask the Secretary of State for War what his view was with regard to the punishment? Was its object solely that of disgrace; or was it on account of the torture it inflicted? If he desired to retain it merely on account of the disgrace, he could inflict just as much disgrace by means of a birch rod; and they were right in asking, as was asked by the Amendment, that they should know something about it. He recollected a story that made a great impression upon his mind about flogging. It was in connection with the old Irish Rebellion of 1798, and it happened close to the place of his birth. The method of flogging which was then in vogue was that recommended by the hon. and gallant General the Member for Brighton (General Shute) — namely, tying the sufferer to a cart's tail, drawing him along, and flogging him all the time. A man in that case was tied to the cart's tail, and was flogged with a cat while walking over a space of ground that he knew well, and that was from three to four miles in length. He was flogged until his entrails hung out; and when the poor sufferer perceived he was being cut to pieces in such a way, he called out to the colonel of the regiment, though he was not a soldier, but a poor peasant. He well recollected the name of that colonel. "Colonel Leo," called out the man — "Do you allow your men to flog my guts out?" Well, that man's entrails dropped out on to the road, and he died at the tail of the cart. If he had been flogged with a rod, he could not have been injured in such a manner. They were going to use an instrument by which they might kill a man, or, at least, do him serious injury; and he thought they ought to have the views of the Secretary of State for War upon the subject.

Mr. ANDERSON said, it occurred to him that the right hon. and gallant Gentleman had misapprehended the drift of the Amendment. He had taken it up as if it were a sort of allegation that he intended to break the promise he had made to the Committee about sealing the pattern. The Amendment had no

such meaning as that. Perhaps the Amendment would be a little clearer if it contained no allusion to a sealed pattern. According to his reading, it simply opened up the whole question of abolishing the "cat" entirely. If the sealed pattern was to remain, there was no objection to the right hon. and gallant Gentleman having one at the War Office, and the closer it was sealed up the better. Perhaps it would make an ancient monument. He had not taken any part in the debate for the last four days; but that was not because he did not feel strongly upon the subject. He had voted, and would continue to do so, in all the divisions which were against the brutal punishment of flogging. He must say that if they wanted to make men brutes, they had only to give them brutal punishment. If they wanted to elevate them, they should abandon punishments of a brutal nature. He believed that nothing would do more to raise the status of their Army than to let them know that there was to be no flogging in future. The Government did not allow officers to be flogged, and they had now exempted non-commissioned officers; and he would ask them just to go a step further, and exempt the men also. It was from that class that they drew their non-commissioned officers; and they could not expect to get self-respecting men to enter the Army if this degradation was to be held over them. If he understood aright, even the Volunteers, if called upon for active service, would immediately come under the Ordinance of War, and be liable to that punishment. He entirely agreed with those who had determined to do all they possibly could, and never to rest until that punishment was put an end to. He had been told that if they neglected that opportunity, they would have the same opportunity afforded them in future years. But that was like what they were told when it was proposed to change a Sessional Order into a Standing Order. They could change a Standing Order; but it cost much more time and trouble than a Sessional Order, and it would be just the same with that Bill. It was especially difficult to alter a permanent Bill; and that was the reason that they ought to do all they could now to induce the Government, having left in the Bill such a wretched rag of

this punishment, to do away with it altogether.

Mr. H. SAMUELSON said, he rose with the intention of moving an Amendment to the Amendment, with the assent of the Mover, which he thought would, perhaps, carry out his views. The right hon. and gallant Gentleman appeared not to have quite understood the scope of the Amendment. He did not know whether he was representing the hon. Member for Rochester correctly in saying that he wished the instrument called the "cat" to be abolished altogether in Her Majesty's Army; and that in order to describe what he meant, he added the qualifying words—"of which a sealed pattern is deposited at the Admiralty." Now, it appeared to him that if they were to leave out those words, then they would know what they were going to divide about. The intention, then, would clearly be to abolish that instrument which was kept for the punishment only of English soldiers, sailors, and malefactors. It appeared to him that those three categories should not be linked together, even by a similarity of punishment. His attention had been called to the question of flogging in the Army long before he had the honour of a seat in the House; and, at the election at which he was returned, the subject was brought up. His opponent was said to have opposed the abolition of corporal punishment in the Army; and it was, perhaps, owing as much to the fact that he had opposed the proposition of the hon. Member for Rochester (Mr. Otway), when, greatly to his honour, the hon. Member moved that this punishment should not be inflicted in a time of peace, as to any other act he had performed in his Parliamentary life, that he owed the opposition he received. He (Mr. H. Samuelson) constantly heard, in the course of his canvass, and on every platform on which he appeared during the election, that his constituents had a deep-rooted feeling against a punishment which they considered degrading to humanity, and only fit to be awarded to woman-beaters and persons who committed abominable crimes that it was impossible to describe. It was regarded as a disgrace to the legislation of the country that our brave soldiers, who were always spoken of as our gallant defenders, should be awarded this punishment in common with such desperadoes; and

the continued existence of flogging in the Army was looked upon as a circumstance which no Englishman could think of without feeling shame. He objected altogether to the use of the cat-o'-nine tails, believing that it was quite possible to inflict adequate punishment by some instrument, at any rate, less degrading; and for this reason, he would move, as an Amendment, that the words "of which a sealed pattern is deposited at the Admiralty" be left out.

Amendment proposed to the proposed Amendment, to leave out the words "of which a sealed pattern is deposited at the Admiralty."—(*Mr. Henry Samuelson.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

Mr. OTWAY said, he had no objection at all to the Amendment. The hon. Member had correctly described the reasons which had induced him to put down the words "a sealed pattern should be deposited," and he was very glad that the hon. Member had raised the question.

Mr. EVELYN ASHLEY remarked that, though, according to the Home Secretary, it was impossible to bring forward a new argument he, at any rate, could give his contribution to the debate, by bringing forward a new speaker. He had hitherto taken no part in the discussion of the Bill, although he had sat listening to it with great interest. Nor did he intend to detain the Committee at any length. Indeed, there was one fact which, standing alone, offered matter which was incapable of an answer. The very fact that we were the one nation which resorted to this punishment ought to carry with it the condemnation of the practice. Only the other day, the hon. and gallant Member for Renfrewshire (Colonel Mure) came forward, very ably and very rightly, to defend the status of our soldiers, and to deprecate the manner in which a man was treated who wore the Queen's uniform, in regard to the social relations of life, many persons regarding it as an emblem of social inferiority. He could not help thinking of the retort which might have been made to the hon. and gallant Member, who, with the same breath, was arguing in favour of the retention of flogging, on the ground that

Mr. Anderson

there was more than the average of bad characters in the British Army. He certainly failed to understand how the hon. and gallant Member for Renfrewshire's advocacy of the lash could forward his demand that the wearers of Her Majesty's uniform should be placed on a footing of equality with the rest of the community. He (Mr. Evelyn Ashley) denied that the British soldier was at present on a footing of equality with the rest of the community, although he ought to be, and we ought not to keep him in a degrading position. To one who, like himself, desired to form an impartial opinion on this question of flogging, it was striking to note that every one of the arguments he had heard were used when the hon. Member for Rochester (Mr. Otway) brought forward his Motion, some ten years ago, to get rid of the use of the "cat" in time of peace. Many hon. and gallant Members at that time had asserted, both in public and private, that the British soldier could not be managed at all if they got rid of flogging; but they had done very well without it at home, and he saw no reason why it should not be abolished in a time of war as well as in a time of peace, as it inevitably would be before they were 10 years older. He believed that before many years passed by they would look back with astonishment at the fact that such a degrading punishment could ever have been resorted to, or that it should have been considered necessary, in a civilized country, to retain this relic of barbarism.

MR. M'LAREN said, he had been a silent listener to the debate since the Bill was first introduced; and, therefore, he could not be charged with having wasted the time of the House. He did not intend now to detain the Committee for more than a few minutes with what he should feel it necessary to say. He detested flogging in every shape and way, and would take every means in his power of extinguishing such a barbarous punishment. It appeared to him that there was a far better cure for keeping soldiers in good order, and that was to get better men than they got now, and the way to get better men was to increase their pay. If they gave the men 6*d.* a-day more, and allowed them to marry in greater numbers than they were now able to do, they would get

excellent men to serve them, and men who would not need the lash. He thought that was the real way of improving the Service, and he recommended it to the notice and consideration of the right hon. and gallant Gentleman the Secretary of State for War. A shilling a-day to the soldier was the ordinary wages of labourers and mechanics at the time it was first fixed; but now the case was very different.

MR. O'DONNELL said, they often heard of the frightful state of the soldier even among his own countrymen; and Motions had been made in that House for the interference of Parliament to prevent the stripes on a red coat from being regarded as a badge of inferiority whenever a soldier appeared in church, or at a meeting, or in a music hall, or in any public place. He wondered whether it ever occurred to gallant officers, who appeared to be so bent on the retention of flogging, that there was a singular inconsistency on their part when they professed to feel sore at the contempt with which some persons regarded the position of a soldier and the uniform of a private, while they themselves were doing all in their power to perpetuate the very worst degradation it was possible to inflict upon any man—he would not say soldier, or even slave. The hon. Member for Stafford (Mr. Macdonald) had, he was certain, truly expressed an opinion which was widely prevalent in this country—namely, that this flogging confined to the lower ranks of the Army—this use of the lash—was a horrible survival of the old theories of caste, which had divided the country into the class which was flogged and the class which flogged. In the British Army the officer who rose from the ranks very seldom obtained anything like that position among officers who had not risen from the ranks which he obtained in the French Army. It could not be but natural that this prejudice among officers who entered the Army from the classes which were not subjected to flogging should exist towards a man who, no matter what his merits were, while carrying a firelock, belonged to that class which could be stripped and tied up to a triangle, and have three or four dozen stripes laid upon his back before all the soldiers of the regiment. One of the earliest recollections of his own life, when a child,

was having seen the soldiers drawn up in the barrack-yard for the infliction of punishment upon a comrade. He had seen a man fastened to a black triangle, and had heard the lashes as they were inflicted, and from that day he had never faltered in his resolution to use all his efforts to bring about the total abolition of this horrible and degrading punishment. No doubt, they were beginning a totally new era in the discipline of the Army. Whether it was from the merits or demerits of the Irish Members who chose to criticize the annual Mutiny Bill, the Government had now brought in a permanent Mutiny Bill; and he asked the Committee if they ought not to seize the opportunity of definitely breaking away from the worst traditions of the past? In this country there were men bearing about with them the marks of the lashes they had received. These men exercised a powerful influence among their countrymen when they told their story. Even in cases where they had really deserved the lash—even in such cases, the listener who heard of a man tied up to the triangle and receiving 50 or 100 lashes lost all sympathy with the object for which such a punishment was awarded; their feelings were excited by the horrible nature of the punishment, and they forgot, or disdained to inquire into, the nature of the crime. There was hardly any crime that could be committed, except the very worst, that was deserving of the horrible degradation of inflicting on a grown man the infamy of the lash. If the lash must be still reserved for some brutal offences, let them change the old nomenclature. Let them get rid of the horrible cat-o'-nine-tails, with all its horrible traditions. At any rate, let them abolish the words "lash" and "cat-o'-nine-tails," and administer the flogging with a rod, or a whip, or something that would enable them to break off from all the old traditions. If ever, in any exceptional case, a man was to be so degraded that he was to be lashed by any instrument, from the instant the lash descended upon his shoulders he should cease to be a member of the Army. It was possible that some such excuse might be found, as that a man would court the lash, in order to be free from the Army; but he thought the Army would be well free from any man who would court the lash for such a

purpose. They ought to have regard to the fact that they had now to fall back upon a class which furnished deserters to a large extent, because the lash deterred many respectable men from entering the Army. He thought the economical advantages would be decidedly great, even if one or two incorrigible scoundrels preferred two dozen on their bare back as a ready means of escaping an honourable Service. If flogging were abolished, the prominent part the Irish Members had been wont to take in the matter would no longer be required of them. He felt—and the English and Scotch Members also felt—that no more popular speech could be uttered in that House than a speech against the horrors of the lash. If he could believe the Ministerial papers, nobody ought to be condemned more than an incorrigible Home Ruler, like himself; and yet he was every morning receiving thanks for the part he was taking in opposing the lash. He warned Her Majesty's Government to beware, lest their zeal for flogging did not flog them out of Office at the next General Election. It would be a most effective cry at an Election that the present Government had insisted on maintaining the lash for the English soldier. The people were becoming more educated from day to day; the Board and other schools were raising up educated classes among the masses of the nation from day to day; and these people felt, with the pride of intelligence, the infamy to all their order and to all their class—the insult to humanity itself, which consisted in the perpetuation of the brutal and degrading lash.

Mr. HOPWOOD thought there was a word or two which might be said with a business-like eye to this Amendment. There were objections, as he dared say right hon. and gallant Gentlemen now saw, to the cat-o'-nine-tails. Assuming it to be a foregone conclusion, although it was one to which he would not submit until he was obliged to do so, that they were to have corporal punishment, he contended that the cat-o'-nine-tails was not a thing to be tolerated. Among all things applied to discipline by history, he did not think there was any authentic record to be found of the cat-o'-nine-tails. It was said that whipping was first adopted in the Middle Ages, so far the Army of England was concerned. When the cat-o'-nine-tails first sprang

Mr. O'Donnell

into existence was a matter of conjecture. It was said to be about the middle of the last century. They knew something of the history of other nations. Scourging was familiar to the Romans. He did not think there were ever stronger men in the world, in a muscular point of view, than the trained drummer or farrier-sergeants of the Foot and Cavalry; and he did not think that the ancient scourging with rods produced the effect which could be produced by a well administered blow, with all the might and muscle of the drummer, delivered on the bare back of a man. It was not on the bare back alone, but it cut and curled round the breast; and sometimes, with hellish torture, when a right-handed man was tired out, a left-handed man was substituted, so as to inflict cross-cuts around a man's back. It appeared to him that the three right hon. Gentlemen representing Prisons, Army, and Navy, were to be appointed to act as semi-executioners, in order to see that the tools were in order; that they were furnished with proper minuteness; that the instruments of torture were of the requisite strength of handle and size of cord, and so on. Right hon. Gentlemen would have to undertake that duty if they were to say what the sealed pattern was to be; because it would be their duty to see that all these things were done. Scourging was the punishment anciently employed. There was, too, another nation from whom they derived great traditions, and to whom they were indebted for much that they believed—the Jews. They practised stripes, but not a stripe that made nine inflictions at a time. A remarkable expression of one who sprang from that nation, and the great Apostle they revered so much, was—"Of the Jews five times received I 40 stripes save one." And why "40 save one?" Because, from scrupulosity in the performance of the law among that nation, they took care not to administer the full amount, which was 40. We had no such scruples, but were dancing with delight because Her Majesty's Government only gave us 225 instead of 450 lashes—25 lashes with the cat-o-nine-tails, instead of 50. This was the way in which the soldier was to be treated. He would just add one more matter of experience. There was a friend of his who was the governor of a gaol, and

a man of very strongly-pronounced humanity, of which he had given many proofs. This gentleman told him, in regard to this business of flogging—and he did not altogether go with him (Mr. Hopwood) as to its entire abolition—this gentleman said—"If you want to produce a smart, it may be done as well by a birch rod as it can be by the 'cat.'" He (Mr. Hopwood) did not know whether the gentleman he referred to acted in opposition to the rules and regulations; but he declined to use the "cat." He had almost entirely dispensed with it, even in the case of the ferocious men brought under his charge in the gaol, and the rod had been substituted. He would suggest to the Government that the rod would be quite sufficient; and if anyone doubted that the punishment inflicted by such a weapon in the hands of a drummer would make him feel, let him try the experiment, and he would soon see if it was not enough. At any rate, they would part with a weapon that was likely to do fatal injury, and a barbarous indignity, which was a disgrace to our nationality and to the Army which was supplied with it.

Mr. BIGGAR said, that at the risk of being charged with saying something he had said before, he would take the liberty of saying a few words with regard to the Motion now before the Committee. A great deal had been said against the use of the cat; but he was not aware that anything had been said in favour of it. The present system of punishment in the Army was of a most brutal description. All hon. Members who had given their views upon the subject were unanimous in that opinion; and one-half of the Government, and even the hon. Member for North Warwickshire (Mr. Newdegate), had not said a single word in favour of this system of punishment. He put it to the Committee whether a system of punishment which would not be tolerated towards the lower animals should be tolerated towards the Army? Torture directed against an animal—a donkey, a horse, or a cow—in the manner proposed for the British Army, would not for a moment be sanctioned. If anyone tried it, the result would be that he would be at once hauled before the magistrates, and sent to prison without the option of a fine. Even if he punished a horse in

a much more modified degree, he would be brought up before the magistrates, and sent to gaol; and, probably, the magistrates would order him to be flogged in gaol for the offence. In all probability, a man of such a brutal nature would be very likely to commit some breach of prison discipline, and he would then find himself dealt with in a manner in which he was not allowed to treat one of the lower animals outside the prison walls. For these reasons, he thought the Committee ought to refuse to allow the present system of flogging the British soldier to continue any longer, and should at once agree to the Amendment.

MR. NEWDEGATE said, it appeared to him very extraordinary that hon. Gentlemen opposite should insist on dwelling on this painful subject. He should like, however, to know what hon. Members thought if the discipline of the French Army were enforced in ours, and every person was shot who was liable to corporal punishment. ["Oh!"] Then, what did hon. Members want? What did they propose? War was not child's play. Soldiers would leave the regiment, and commit the grossest outrages—robbery, rape, and murder. Was it those who committed these offences that hon. Members desired to save from the lash? ["No!"] Well; but was it not the fact? A court martial did not flog any soldier who remained with his regiment. Hon. Members opposite had accused soldiers of every vice. ["Hear, hear!"] "Hear, hear!" and yet these were the men who enlisted their particular sympathies. He could not hear a murmur against that observation. They were the worst criminals who were engaging the sympathies of hon. Members opposite. He did not like flogging any better than they did; but he put it as a matter of economy. A well-trained soldier cost £110. He could not go low enough to reach the depth of sympathy which had been expressed on the other side. When a man's blood was up, he very frequently did things that he would not otherwise commit. But were all crimes committed in the heat of blood to be punished by death? He considered it imperative that there should be some short and sharp punishment for outrageous crimes committed in the field, and the view he held was that it was better to flog than to shoot. He believed that

the opponents of flogging would rather shoot than flog.

SIR CHARLES W. DILKE said, that the hon. Member for North Warwickshire had addressed so extraordinary an argument to the Committee that he felt bound to answer it. The fallacy that ran through the argument of the hon. Member was that if flogging was abolished they would have to shoot men; not only, as he said, men who were now flogged, but many more than were at present flogged. As to that, there could be no question whatever that the hon. Member was entirely wrong. He could understand that military authorities might say that if flogging were abolished there might be a certain number of cases which were at the present punished by flogging for which the alternative of shooting would have to be employed. He did not deny that something might be said for that view; but the hon. Member seemed to think that in every case for which flogging was now the punishment they would have to shoot. But the hon. Member had not indicated clearly whether he was referring to flogging which took place under the court martial clause, or the flogging which was conducted by the provost marshal. There were many men who were flogged by the provost marshal, whom it could not be contended would be shot if flogging were abolished. The hon. Member had said, with regard to the French Army, that a far greater number of men were shot in that Army than was the case with us. He had, however, laid no figures before the Committee to enable it to deal with the matter. He (Sir Charles W. Dilke) had seen a great deal of the French Army; he had followed them for three or four months, and he was inclined entirely to dispute the assertion that they shot more men than we did. During the Crimean War discipline was somewhat lax; but during the war in Italy not a single man was shot; and he thought the allegation which had been made altogether fell to the ground. At the time of the Crimean War the French Army had got into a very bad state, and discipline was very poor. That state of things called for very sharp and powerful measures; but he entirely disputed that since that time there had been a much larger number shot in the French Army than had taken place in our own. The French Army

Mr. Biggar

was an example to us in the matter of flogging; for not only did no flogging take place now, but it had been altogether abolished since the Great Revolution. It was not the case, as in other countries, that flogging had only been abolished in France for the last 10 or 12 years; but it had been unknown since the Revolution. When the Great Napoleon was asked to re-introduce flogging he declined altogether, as much for military as for political and social reasons. So strongly was Napoleon opposed to flogging that he even declined to hear any discussion with regard to the re-introduction of the punishment in the French Army in the future. In the course of his remarks the hon. Member for North Warwickshire had used two or three words—such as rape, robbery, and murder—as if flogging was only inflicted for those crimes, or for crimes equally serious. Perhaps he was not aware that it was proposed to flog a man for the most trivial offences, such as being drunk. When on board ship, or in the Colonies in a time of war, although at a good distance from the field and under circumstances which, in time of peace, would be entirely passed over, men were to be flogged for offences which were very trivial, and were only grave because, technically, it was time of war. Flogging was to be inflicted not only for rape, robbery, and murder, but for the most trivial offences—in fact, soldiers were to be punished by a penalty which was only inflicted in aggravated cases, or upon the worst criminals of the country. On that side of the House they had a better opinion of soldiers than to think that they required to be treated like the worst criminals. No doubt, there might be criminals in the ranks of the Army, but they were but few; and there was no reason to suppose that this punishment was necessary to restrain those few. The hon. Member had said that he would put it as a matter of policy that, as each soldier cost the country £110, it would be better to flog than to shoot a man. He trusted the Committee would look at the matter in a much more practical way than that. Suggestions which had come from that side of the House had been of a strictly practical character. He was not averse himself to sentiment being brought in; but, still, flogging had been looked upon by hon. Members on that side of the

House in a most practical way—they said that the punishment of flogging must necessarily degrade a man and make him a worse soldier. Moreover, they contended that the prevalence of flogging in the Army would become known by the newspapers and prevent the best class of men enlisting, which they would have been disposed to do had this punishment not been inflicted.

MR. O'DONNELL observed, that, no doubt, the hon. Baronet the Member for Chelsea would confirm him, when he said that the custom in France was to have disciplinary battalions consisting of disgraced soldiers and those under punishment. All the bad characters were thus put together and kept under severe discipline in the punishment battalion. The country got good service out of those battalions, and the whole of the Army was not disgraced and degraded by the use of the lash. If necessary, the same system might be introduced into the British Army. He thought it would be very much better to have that or any other system, rather than to retain the barbarous and degrading punishment of flogging.

MR. H. SAMUELSON wished to point out to the Committee that, under the Interpretation Clause of the Act, by which soldiers employed in the occupation of a foreign country were defined to be on active service, the clause in question would apply to the soldiers now serving in the Island of Cyprus. The hon. Member for Rochester (Mr. Otway) had obtained for the British Army the remission of the penalty of flogging in time of peace; but the policy of the Government had placed them in such an anomalous position that the most curious results followed. They were now occupying the Island of Cyprus, which was not English territory, for the Sultan had Sovereign rights over it; it was not an English Colony; it could, in fact, be described as nothing but a foreign country occupied by our troops. He would like to ask the right hon. and gallant Gentleman the Secretary of State for War whether, in time of peace, soldiers serving in the Island of Cyprus would be liable to the extremely penal clause of this Act? They were holding the country in military occupation; the troops there, therefore, were probably, technically, on active service. That they were occupying Cyprus as a foreign

country was clear, for Cyprus was not English territory, and would have to be surrendered back in view of certain contingencies. In his opinion, some provision ought to be made for those troops serving in that country, and also with regard to troops who might be called upon to serve, under similar circumstances, in other parts of the world. It was not right that the fact that the soldiers were technically on active service abroad, though in time of peace, should make them, and them only, liable to this exceptional punishment of flogging.

THE CHAIRMAN said, that he must point out to the hon. Member that it did not appear to him that the question he had raised, as to the effect of peace and war upon the position of soldiers, was in Order. Perhaps his observations would be in Order if the clause itself were under consideration; but the Question now before the Committee was as to the use of a particular punishment. His observations appeared to him to have more relation to that clause of the Bill which provided for the use of the punishment only in time of war.

MR. H. SAMUELSON bowed to the decision of the Chair. He would ask, however, whether, as this was the clause of the Bill which dealt with punishments, he was at liberty to discuss the clause generally, or only the sub-section with which they were now dealing? He wanted to know how far soldiers were liable to the punishments they were discussing. The information they might receive upon that matter would probably have a considerable influence upon the votes of hon. Members on this particular question.

THE CHAIRMAN said, it appeared to him that the proper time for the remarks which the hon. Gentleman was making was upon the discussion of the clause which dealt with the infliction of the punishment in time of war, and not in time of peace. He would not be in Order in making the remarks he did in relation to the punishment only, without reference to whether it was inflicted in time of peace or war.

MR. H. SAMUELSON inquired, whether he might draw attention to the next sub-section, which, it would be seen, stated the conditions under which corporal punishment would be inflicted?

Mr. H. Samuelson

MR. OTWAY said, that it was impossible to conceive that the right hon. and gallant Gentleman the Secretary of State for War did not know whether the soldiers in Cyprus were liable to be flogged or not. Perhaps the right hon. and gallant Gentleman would answer the question with regard to that point, which had been put to him in order that they might be better able to go to a Division. He should like to know whether the soldiers in Cyprus were in any exceptional position? He thought it would save much time if the right hon. and gallant Gentleman would state the position of the soldiers in Cyprus.

THE CHAIRMAN remarked, that the point made by the hon. Member would be in Order on the sub-section.

Question put, and *negatived*.

Question put,

"That the words 'but corporal punishment shall not be inflicted on any soldier by an instrument known as the cat of nine tails,' be there inserted."

The Committee *divided*:—Ayes 49; Noes 72: Majority 23.—(Div. List, No. 124.)

MR. PARNELL said, he had to move an Amendment to insert after the word "lashes," at the end of the last Amendment the words—

"And in every case when more than twelve lashes are inflicted the soldier so punished shall be discharged with ignominy from Her Majesty's service."

He hoped that this Amendment would be agreed to by the right hon. and gallant Gentleman the Secretary of State for War; for it appeared to him that where a soldier had been degraded by this punishment he ought not to be allowed to wear Her Majesty's uniform. He did not think that, under any circumstances, a soldier that had been flogged should be considered fit to wear Her Majesty's uniform.

Amendment proposed,

After the word "officer," at the end of the last Amendment, to insert the words "and in every case when more than twelve lashes are inflicted the soldier so punished shall be discharged with ignominy from Her Majesty's service."—(*Mr. Parnell*.)

Question proposed, "That those words be there inserted."

COLONEL STANLEY did not think it was necessary to take up the time of the Committee by discussing this Amendment. The whole spirit of what he had said on former occasions was opposed to the insertion of such an Amendment as this. He had stated that he considered that this punishment should be short and summary; but it should be subject to the man's continuance in the Service. It was not at all consistent with the infliction of such a punishment as 12 lashes that a man should be dismissed with ignominy from Her Majesty's Service. Nor was it right that dismissal, with ignominy, should invariably be added to the punishment of flogging. He hoped the Committee would not agree to the Amendment.

MR. O'DONNELL said, that the position in which the Government had placed themselves was utterly illogical. The Government had consented to limit the punishment of flogging to certain infamous crimes. The contention was that where a man had been guilty of an infamous crime it was much better to turn him out of the Army altogether. The right hon. Gentleman the Home Secretary could corroborate this view—that there was nothing more conducive to the spread of crime than the continuance of the criminal classes amongst those altogether innocent. There was no more effectual way for increasing crime in the Army than by retaining the bad characters in it, as the right hon. and gallant Gentleman the Secretary of State for War proposed to do. When men of the criminal class were retained in the Army their example endangered their comrades; and he was surprised that the Government should decline to embrace the opportunity of getting rid of such men altogether. The hon. Member for North Warwickshire (Mr. Newdegate) had spoken of certain crimes of violence which he considered deserving of flogging. Was it likely that it would increase the respectability, or the efficiency, of the Army that persons who had deserved to receive flogging for such crimes should be turned back into the ranks, and wear the uniform alongside honourable men? It appeared to him that every step taken in connection with this institution of flogging endangered the character of the men. By the Amendment proposed by the hon. Member for Meath, it was proposed that a sentence of flogging should

be equivalent to expulsion from the Service; and he thought that where a man deserved the sentence of flogging he must, also, well deserve the punishment of being expelled from the Army. He did not think that the efficiency of the Army, or, indeed, of any Army, whether civilized or uncivilized, was increased by detaining in its ranks a few score, or hundred, of disreputable characters who deserved to receive flogging for infamous crimes.

COLONEL ALEXANDER said that the hon. Member for Dungarvan had admitted that there were some great crimes for which a man might certainly deserve to be flogged; but there might also be crimes for which flogging was a fit punishment, but which, nevertheless, might not be so infamous as to deserve a sentence of dismissal from the Army with ignominy.

MR. CHAMBERLAIN did not think that the question that had been raised by the Amendment had been treated by the right hon. and gallant Gentleman the Secretary of State for War with the consideration that it deserved. The right hon. and gallant Gentleman seemed to think that there was no principle in this Amendment; but it appeared to him that the right hon. and gallant Gentleman was still in favour of flogging for trivial offences. He might say that that was not an opinion entertained by hon. Members on that side of the House; and they wished distinctly to know whether it was the intention of the Government to flog only for the worst offences, or for all kinds of trivial offences? If the right hon. and gallant Gentleman the Secretary of State for War said that there were many offences for which a man ought to be flogged, but for which he would not wish to see him dismissed with ignominy, then he thought that was not a correct view. He would say again, and he would ask the right hon. and gallant Gentleman to say distinctly before they voted on this subject, whether it was his idea that they were going to flog in the British Army for trivial offences—for offences so trivial that they did not come within the definition of disgraceful offences which would render a man unfit to remain one of Her Majesty's soldiers? If that were the intention of the Government, he could only say that his opposition of the Bill, in its present

form, would be intensified. He had understood that the crimes for which flogging was to be administered were such as involved danger to the security of an Army in the field, or were the most disgraceful that a soldier could commit, or were such offences as would be disgraceful either in a soldier or civilian. If flogging was to be administered for such crimes as that only, then every man flogged ought to be dismissed from the British Army, if it were wished to keep up the character of the British Army. He thought they were entitled to ask whether they had deceived themselves as to the reality of the concession made by the Secretary of State?

MR. BIGGAR said, that it might seem, at first sight, to be an injustice to dismiss a man from the Service with ignominy simply because he had been flogged. But if a man were flogged, and received upwards of 12 lashes, he would become worthless, in a military point of view, and would have to be sent to the hospital. The Army would be better without than with a man who had been severely flogged. He looked at the British Army, however, from a different point of view, and considered the value of a British soldier at more than so much sterling. A man who had been submitted to the degrading punishment of flogging, and who had received over 12 lashes, would not only use every effort to be revenged himself, but would encourage his comrades to do the same. He thought it would be well to pass this Amendment. He might say, in passing, that the great bulk of Irish Members were entirely opposed to flogging, and had voted against it. He thought that the hon. and learned Member for Wexford (Sir George Bowyer) was the only Irish Member that voted for flogging in the last Division.

MR. SULLIVAN concurred with his hon. Friend the Member for Cavan (Mr. Biggar) in the condemnation the hon. Member had pronounced with respect to the conduct of the hon. and learned Baronet the Member for Wexford in voting in favour of the lash being retained. He could not help thinking that an angry feeling would be aroused in the County of Wexford, which knew something of flogging, when it was known what part the hon. and learned Baronet had taken on this question. They had been nearly two days debating

the question whether the use of the lash was to be retained, and the Government had at last taken refuge in this—that if the lash was to be retained, it was only to be inflicted for grave offences. The Government said that it was only to be inflicted for crimes so heinous that otherwise the man must be shot. And the alternative had been presented to the Committee of whether it was better to shoot or to flog the men? But if a man was of a character so vile that he would be shot for the crime he had committed, then he thought that such a man should not be retained in the ranks after he had been flogged. If a man was so brutal that flogging had to be inflicted upon him, then he thought that such a man was of no use in the Army. What they desired was to preserve the status of the British soldier, and if he were worthy of stripes he ought not to be permitted to wear the uniform; but if his offence was not very serious, he did not deserve to be flogged. The ground now taken up by the right hon. and gallant Gentleman the Secretary of State for War was that an offence might be so trivial that flogging would be sufficient punishment for it, and such men did not deserve to be discharged. The principle for which they would go into the Lobby was that flogging should only be inflicted for very detestable and heinous crimes; and that if a man were flogged for these crimes he ought not to be retained in the Army.

SIR GEORGE BOWYER expressed his surprise that the hon. and learned Gentleman who had just sat down should have thought fit to attack him for a vote which he had honestly given in the discharge of his duty as a Member of Parliament. He could tell the hon. and learned Gentleman that his constituents knew him too well not to be aware that he never gave a vote in that House which was not given from a conscientious conviction that he was doing what was right. That any Member of the House, then, should rise in his place and make an attack upon him for the way in which he happened to have voted on a particular occasion was a mode of proceeding, in his opinion, so un-Parliamentary that he could not too strongly protest against it. If hon. Members generally were to indulge in such a practice, and to make similar attacks upon one another, there would be an end of that liberty which every hon.

Mr. Chamberlain

Member ought to have of recording his vote as he deemed to be right. For his own part, knowing that he had been actuated by purely conscientious motives in voting as he did, he could afford to treat the attack of the hon. and learned Gentleman with contempt. He was sorry he could not more emphatically express the opinion which he entertained of the hon. and learned Gentleman's remarks, without using words which would not probably be regarded by the Committee as Parliamentary. The hon. and learned Gentleman, he would add, and those who supported his view, seemed to labour under an entire misapprehension as to the nature of military law. They assumed that no offence should be punished under that law by the infliction of the lash which was not of an infamous nature; and that when that punishment was inflicted it was inflicted for the commission of either an infamous or a trivial crime. They were, however, entirely wrong upon that point. In the case, for instance, in which a private soldier was guilty of striking his officer, that was an offence which in all the Armies of the world was punishable with death. A French soldier who happened to strike his officer would be punished in that way, though it was, of course, possible that, under extenuating circumstances, there might be some mitigation of the punishment. But, under ordinary circumstances, the man who had so offended would be put to death, and very properly so; because if soldiers were allowed to strike their officers without being adequately punished, there would be an end to all discipline, and an Army would soon become a mob. Again, let him take the case of a soldier who was appointed to do outpost duty, and to act as a vidette. The safety of a whole Army might depend on the watchfulness of that man. If he did not keep awake and discharge his duty, as he ought, the Army might be surprised, and the lives of thousands of men might be sacrificed through his fault. Now, such a neglect of duty could scarcely be characterized as an infamous crime; but it was one which was rightly punished with death, because it was an offence against the very essence of military discipline, and of the precautions which were necessary to secure safety. As to the offence of marauding in time of war, it was one which was

not, of course, so disgraceful as stealing in time of peace; but, nevertheless, it was an offence for which a number of soldiers had been tried, when under the command of the Duke of Wellington, and shot. Those were not trivial offences; but neither could they be said to come under the head. So that it was ridiculous to contend, as hon. Gentlemen who supported the Amendment did, that all offences punishable by the lash must come under either one or the other of those two heads; and that if a man were once flogged he ought, as a matter of course, to be dismissed from the Army; for it was clear that if he only received one lash, he would be as much disgraced as if he got 12. No one, he might add, regretted more than he did that it should be necessary to have recourse to the punishment of flogging; and it was a punishment which, in his opinion, ought to be inflicted as rarely as possible. Hon. Members must, however, be very well aware that there were bad characters in our Army, as there were in every Army, who could be kept in order only by the fear of corporal punishment, which they dreaded more than any other mode of punishment short of death. Without the power of being able to inflict corporal punishment, it would, he believed, be extremely difficult, if not impossible, to manage an Army in the field, and to keep the troops under proper control. No doubt, flogging was a degrading punishment; but so were all punishments. Penal servitude was degrading. It was degrading to a man to have his hair cut off, to be put into a convict's dress, and to be obliged to pick oakum. But there was another thing which was more degrading still, and that was the commission of the crimes for which such punishments were inflicted; and if a man was guilty of some degrading offence, he could not fairly complain of being subjected to a degrading punishment. That was an observation which applied to all those offences which were of a degrading character. With regard to purely military offences which were not of that character, he would say that flogging was justifiable in such cases only where it was absolutely necessary for the maintenance of discipline and the preservation of the Army. But so long as soldiers were not to be controlled except by the fear of corporal punishment, the

power of inflicting it ought, in his opinion, to be retained for degrading offences, or offences against military discipline of a vital character. He had only to say, in conclusion, that he was not to be deterred from giving what might by some be regarded as an unpopular vote, in the discharge of his duty as a Member of that House, by any attacks which might be made upon him by the hon. and learned Member for Louth, or those who supported his views.

MAJOR NOLAN thought his Friends near him were hardly fairly open to the reproach that they did not know what they were talking about. The fact was that those who supported the Amendment did know what they were talking about much better than the hon. and learned Baronet the Member for Wexford (Sir George Bowyer) seemed to suppose. On the very last occasion on which the Bill was discussed, the right hon. Gentleman the Member for Birmingham (Mr. John Bright) suggested that those offences for which the punishment of flogging might be inflicted should be set forth in one of the Schedules. Up to the present moment, however, that had not been done, and hon. Members were in ignorance of what those offences were; unless, indeed, an exception was to be made in the case of the Judge Advocate General. If flogging were to be resorted to in future only for the punishment of acts which were of an infamous nature, then, probably, his hon. Friend the Member for Meath (Mr. Parnell) would not think it necessary to press his Amendment to a Division; while, if a soldier were subjected to the lash, as was the case in South Africa the other day, for merely bathing in the river, it would be a great pity, he thought, that he should have to undergo the further punishment of being discharged with ignominy from Her Majesty's Service. Entertaining those views, he did not feel himself to be in a position to express a decided opinion on the point under discussion by his vote until he had seen the Schedule of offences, which ought, he thought, to be laid on the Table of the House at the earliest possible moment. As matters stood, he should be obliged, if his hon. Friend the Member for Meath went to a Division, to leave the House without recording his vote either for or against the Amendment.

Sir George Bowyer

Mr. C. S. PARKER thought it would tend very much to the convenience of the Committee if the Amendment were withdrawn; for it was very undesirable, in his opinion, that they should be asked to deal with a proposal of the kind on the spur of the moment, and without having been afforded an opportunity of seeing it on the Notice Paper. He also wished to point out to the hon. Member for Meath that there was some inconsistency between the Amendment which he now proposed and one which he had submitted to the consideration of the Committee in the course of the discussions on the Bill last week. On the occasion to which he was referring, the hon. Gentleman took a Division on an Amendment to the effect that it should not be even within the discretion of the military authorities to expel a man with ignominy from the Army for any offence for which corporal punishment might have been inflicted. Now, however, the hon. Gentleman asked the Committee to support an Amendment which provided that in every case in which more than 12 lashes were inflicted, the Secretary of State should have no option but to discharge a soldier with ignominy from the Army. The two Amendments were inconsistent; and it would be better, he thought, to withdraw that before the Committee, or, at all events, to postpone it until the Schedule, which had been referred to, had been laid on the Table.

Mr. DALRYMPLE expressed his entire concurrence in the observations which had been made by his hon. Friend who had just sat down. The Amendment was one which, in his opinion, was by no means of a reasonable character; and, therefore, he hoped it would be withdrawn. He had risen, however, chiefly for the purpose of protesting against some remarks which had fallen from the hon. and learned Member for Louth (Mr. Sullivan), who, from that lofty stand-point which he was so much in the habit of taking up, had not hesitated to insinuate that hon. Members who sat on the Ministerial side of the House did not invariably vote in accordance with their conscientious convictions. He, for one, begged to repel that insinuation in the strongest possible terms; and to say that when he recorded his vote in favour of any measure which was brought forward by the Government, he did so because he believed it to be

deserving of support. He must also express his surprise that the hon. Gentleman who, he believed, was the accepted Leader of the Home Rule Party in that House (Mr. Shaw), should have made, in the early part of the evening, the singular suggestion that a soldier who happened to have committed a disgraceful offence should be branded on the forehead, and should thus carry the mark of his crime with him to the grave.

Mr. SHAW admitted that he had said something about branding; but wished to explain that what he meant was that a soldier who happened to have committed any of those disgraceful offences for which the punishment of flogging was to be inflicted should be morally branded on the forehead by being discharged from the Army with ignominy. He hoped, he might add, that the right hon. and gallant Gentleman the Secretary of State for War would be prepared to state that he would take the question of the abolition of the lash altogether into his serious consideration. If he would give the Committee that assurance, he would suggest to his hon. Friend the Member for Meath that he should withdraw his Amendment, at all events, for the present. But he looked upon the Amendment as a very important one, and one which, if carried, would be productive of the greatest advantage to the Army; because, as had been observed by his hon. Friend the Member for Cavan (Mr. Biggar), in the course of the discussion that evening, he believed it to be the very worst economy to keep bad men in the Service, and that the very best thing which could be done with those who were guilty of a disgraceful offence was to turn them adrift, or else to place them in such a position that they could do no harm for the future. He hoped the right hon. and gallant Gentleman the Secretary of State for War would consider whether it would not be well to adopt more freely the practice of dismissing soldiers with ignominy after they had been subjected to a certain punishment. He wished to add that he thought it highly desirable that hon. Members who took part in the debates in that House should take care to refrain, as far as possible, from imputing motives to those from whom they happened to differ. He was quite sure that hon. Gentlemen opposite gave their

votes with discrimination; and that his hon. and learned Friend the Member for Louth (Mr. Sullivan) never intended to charge the hon. and learned Baronet the Member for Wexford (Sir George Bowyer) with having voted dishonestly. There were, at the same time, he was afraid, a great many votes given in that House of which the constituents of those who gave them did not always approve. He trusted they would proceed with the discussion of the Bill in peace, and that there would be nothing like war between hon. Members on either side of the House. If war were inevitable, he hoped he and his hon. Friends around him would be prepared for it; but, for the present, he would advise his hon. Friend the Member for Meath to withdraw his Amendment, if he obtained from the Secretary of State for War the assurance to which he had referred.

Mr. MACDONALD regarded the Amendment as a proposal to which it was very proper to ask the Committee to assent. He thought it furnished a very proper answer to what had been more than once said, with regard to the action of his hon. Friends near him below the Gangway, by hon. Gentlemen on the opposite side of the House. He and his hon. Friends had been told that evening that their object was to patronize the blackguards of the Army, who were undeserving of any less disgraceful punishment than flogging. In supporting the Amendment before the Committee, however, they showed that they had no sympathy with men who were capable of committing offences for which they were liable to have their backs made red and raw. For his own part, he found himself exactly in the same position as the hon. and gallant Member for Galway (Major Nolan), for he was entirely ignorant of what the offences were which were to be included in the Schedule. It might include the most trivial offences; and, if so, the discussions on the Bill would have been carried on, to a large extent, in vain. But if the Amendment of the hon. Member for Meath were agreed to, it would, he thought, be found to be a most salutary provision to have in an Act of Parliament. As matters now stood, when a soldier had disgraced himself so far as to have the punishment of flogging inflicted upon him, he was turned into an hospital and was supplied with medicine. At one moment we cut

him, and the next tried to cure him. We all but destroyed him to-day, and sought to build him up to-morrow, in order to make him of the full value of the £10 per annum which he cost. He became a criminal, and he was nursed as if he were a darling child, worthy of the kindest attention. Now, in his opinion, if a man who committed offences of the kind which deserved flogging were turned adrift with his back red and raw, a great many scoundrels would be deterred from entering the Army. As to the hon. and learned Baronet the Member for Wexford (Sir George Bowyer), he was very glad to hear his hon. and learned Friend the Member for Louth (Mr. Sullivan) speak of him in the manner in which he had done. The hon. and learned Baronet set up for being a great military authority—so great, indeed, that it was doubtful whether the right hon. and gallant Gentleman the Secretary of State for War himself had anything like the same amount of knowledge on the subject. He hoped, however, that his hon. Friend the Member for Meath (Mr. Parnell), so far from being deterred by the authority of the hon. and learned Baronet, would press his Amendment to a Division, even if he had only two supporters, in order that they might remove from themselves the stigma of desiring to shield the scoundrels of the Army.

MR. A. H. BROWN opposed the Amendment. It would apply to the case of a soldier engaged on active service in the field; and he should like to point out to the hon. Member for Meath what might happen under its operation. Let him suppose, for instance, that during the late Afghan War a soldier, having been flogged, was turned out of the Army; he would have to make his way back to India through the midst of a whole body of hostile Natives, and the probability was that he would run the utmost risk of being killed. In fact, dismissal from the Army, under such circumstances, might mean nothing more nor less than death to the man. He was sure the hon. Member for Meath could scarcely have given sufficient consideration to the probability of such a state of things occurring if his Amendment were agreed to.

MR. HOPWOOD said, that, as he understood the Amendment, it simply raised the question whether a man who

had rendered himself liable to so degrading a punishment as flogging was fit to continue a member of Her Majesty's Army? As to the apprehensions which seemed to be entertained by the hon. Gentleman who spoke last, it was only necessary to say that no commanding officer could be so inhuman as to turn a man out of the Service to certain death. Besides, there were always attached to every Army a number of camp-followers, among whom a soldier so placed might find shelter for a time. But the real question at issue was whether a soldier was, in such cases as those to which the Amendment applied, fit to remain in the Army? And he would put the matter to a test by pointing out that there was in civil life no offender, except a garotter, on whom the punishment of flogging was inflicted by the English law. That being so, all that it was sought by the Amendment to affirm was that when a man had fallen to a position so low and degraded as that of a garotter he should no longer be held to be worthy of a place in Her Majesty's Service. Could Her Majesty's Army, he would ask, be honoured by the presence of such a soldier? As a National Army, it was a crime against the nation to argue that it might be represented by men of the most degraded character. Viewed as a Parliamentary Army, surely he and those who supported the Amendment had a right to complain that the House of Commons was seeking unnecessarily to oblige that Army to keep in its ranks men who were only fit to be put on the same platform as the lowest garotter. Entertaining those views on the subject, he should cordially support the Amendment.

SIR GEORGE CAMPBELL said, he could not support the Amendment, being of opinion that it would not be for the interest of the Army that it should lose the services of a soldier in the field simply because he happened to have committed some offence for which more than 12 lashes had been inflicted on him.

MR. PARNELL contended that he was not open to the charge of inconsistency which had been brought against him by the hon. Member for Perth (Mr. C. S. Parker). He had no recollection of having brought forward, in the previous week, any Amendment, the terms of which were opposed to that which was now under the consideration of the Com-

Mr. Macdonald

mittee. The only Division which he had taken last week had reference to Sub-section 10, and, probably, the hon. Member confused one sub-section with another. But even supposing he had done last week what the hon. Gentleman stated, there was no good reason why he should not change his mind, following, in that respect, the very distinguished example of some of the Members of the Government. There was, in his opinion, undoubtedly, a class of crimes the commission of which ought to be regarded as rendering a soldier unfit to serve Her Majesty. It had been repeatedly pointed out by the supporters of the Bill that it was only for very serious offences that it was proposed to inflict the punishment of flogging; and the hon. Member for North Warwickshire (Mr. Newdegate) had given the Committee a catalogue of them, embracing rape, and murder, and breaches of discipline, dangerous to the safety of the Army. Now, he would ask any hon. Member whether it was not most reasonable that a man, who had been convicted of committing rape, should be dismissed from the Army? He might receive two dozen lashes for the offence; but there were some men who would care no more about two, or even four, dozen lashes than a school-boy would care about having 12 strokes from his master's broom-handle administered to him. The hon. Member for North Warwickshire proposed to give such a man two dozen, and to turn him loose to commit a savage assault or a murder again. Now, were not all the crimes which were to be scheduled as involving the punishment of flogging bad enough to make it desirable to turn all such offenders out of the Army? He thought there could be only one answer to that. He and other hon. Members had been held up to the contempt of the House as championing the cause of men who committed those disgraceful offences. They had been told they wanted to save ruffians from the lash; and when they adopted that view and tried to follow it up to its natural sequence, they were told they were moving trifling Amendments. As a matter of detail, it had been said that, on active service, there must be a difficulty in carrying out a sentence of discharge with ignominy. He did not suppose that a man so sentenced would be turned loose in the middle of the bush, to be eaten by Zulus,

or left to find his way alone through the dangerous Khyber Pass. He would leave the time to the discretion of the military authorities; it would be very easy to keep the man in custody meanwhile. There was no difficulty in the way at all, and the suggestion was a perfectly practical one. Such reasons against it were only worked up by hon. Members to soothe their own consciences, because they were ashamed of supporting these flogging clauses. It was odious to them to have to do so; and, in nine cases out of ten, they were searching round for some miserable little reason or excuse why they should support the Government in its obstinate course. He did not wish to put the Committee to the trouble of a Division, but would adopt the suggestion of the hon. Member for Cork (Mr. Shaw); and if the Government would undertake to consider the matter between now and the Report, he should be happy to withdraw the Amendment.

COLONEL STANLEY could not undertake to make a promise on the subject, nor did he wish to impugn any hon. Member's consistency. The actual point was this—that, on active service, they had to deal with crimes which were very serious and disgraceful, in a military sense, but which were not civil offences; and they must be visited with severe punishment, in some form or other. Perhaps they had a lot of troops on the move, or going into action, or under many other special circumstances which easily suggested themselves; and, in that condition of affairs, they could not imprison a man, they did not want to shoot him, but they must punish him severely in some way. Then, this flogging was the way which had been customary in the Army; and, so far as he knew, the Army were not discontented with it; for they found no difficulty in attracting large—he might say, increasing—numbers of recruits to the Colours. That was the simple matter of fact of the position in which they found themselves. Neglect of duty on sentry, for instance, might imperil a whole Army. Smoking a pipe was nothing very disgraceful; but if a soldier in charge of the ammunition were found with a lighted pipe in his possession, he would be naturally liable to very severe punishment. If a man endangered the lives of a whole Army, although his offence

might not be disgraceful, yet he would have committed a serious military crime. Where they could not punish by imprisonment they must punish summarily; and he ventured to say that this was the only course they could pursue. Of course, there was power to dismiss with ignominy; but that was a matter which should be left to the discretion of the court martial.

MR. OTWAY thought that the right hon. and gallant Gentleman had not considered sufficiently the nature of the question. Did he mean that flogging was a deterrent punishment? because, if so, he (Mr. Otway) could easily prove, from the War Office's own figures, that it had utterly failed. Then, the hon. and gallant Gentleman made an assertion to which he took exception—namely, that there was no difficulty in obtaining recruits. On that he would put a question to the right hon. and gallant Gentleman. Had he any difficulty in retaining soldiers in the Army, and was it not the fact that a soldier left the Army as soon as he could? A colonel of one of our smartest regiments told him the great difficulty was that they could not keep the non-commissioned officers. What was the use, then, of saying there was no difficulty in obtaining recruits? Unquestionably, they had 30,000 or 40,000 boys of 17 or 18 years of age, if they called them soldiers; but he told them they could not keep their men in the Army, and this disciplinary punishment of flogging was a very great deterrent in that sense. [*A laugh.*] That was his belief, and merely to laugh at a statement was no argument at all. He had observed that sort of proceeding going on. The Secretary of State for War had had two questions addressed to him to-night, to neither of which had he been able, or seen fit, to afford any information in reply; and with every desire on the part of hon. Members to conduct the Business amicably and sensibly, if the right hon. and gallant Gentleman would not answer questions, it would be impossible for them to continue the discussion in that spirit. Above all, the hon. and gallant Gentleman ought to be clear on the point as to whether flogging was a deterrent, on which his mind at present seemed to be in a great state of confusion. It had entirely failed in South Africa, where floggings were very frequent, and seemed to have no deter-

Colonel Stanley

rent effect whatever. He thought the proposition of the hon. Member for Meath (Mr. Parnell) was a very sensible one. Its object was to elevate the character of the soldier. The argument on behalf of flogging was that it was meant to degrade the man who received it. Well, when they had degraded him by that punishment for a disgraceful crime, was it their wish to continue that man in comradeship with the other soldiers of the Army? He thought it a very serious question, and one well worthy to be considered; but it was perfectly clear to him that the right hon. and gallant Gentleman had not considered it at all; and, therefore, the hon. Member for Meath had a perfect right to make the proposition which the right hon. and gallant Gentleman had answered so curtly, declining even to promise that he would re-consider the question before the Bill was passed. If that was the spirit in which the discussion was to be conducted by the Government, all he could say was that the Bill would not very easily pass.

SIR ROBERT PEEL suggested that the discussion might close, if the right hon. and gallant Gentleman would say what offences were to be put in the Schedule. After the examples he had given of what was disgraceful in a soldier, he might easily state what would be in the Schedule, and place it on the Table to-morrow. Were they to understand that the offences to be scheduled were those in the 22nd section of the Mutiny Act? If the right hon. and gallant Gentleman would be good enough to state that, it would facilitate progress, and tend to the termination of this very long discussion.

MR. C. S. PARKER thought the suggestion might get them out of the difficulty, and when the Schedule was before the House, the hon. Member for Meath might raise his question, which was admittedly an important one. Whether the hon. Member for Meath had or had not been consistent was a matter of very small importance; but the Record of the House showed that he (Mr. C. S. Parker) was right, and the hon. Member for Meath was wrong, as to what would have been the effect of a previous Amendment on which the hon. Gentleman divided. By that Amendment, he would have taken away the power to discharge, and, by his present Amend-

ment, he would take away the power to retain a man who had been flogged. The way out of the difficulty now was to wait for the Schedule, and then they could discuss this important principle—that for all disgraceful offences a man should be dismissed with ignominy.

COLONEL ALEXANDER read the list of offences for which soldiers on active service in the field were now liable to be flogged under the 22nd clause of the Mutiny Act—

“Provided that any court martial may sentence any soldier to corporal punishment while on active service, or on board any ship in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, or any breach of the Articles of War.”

Striking out the words “or any breach of the Articles of War,” which he disapproved, there was a Schedule ready to hand, which he thought the right hon. and gallant Gentleman might be disposed to adopt, if he would consider the matter between this time and to-morrow.

COLONEL STANLEY replied, that he had already said he could not decide off-hand, for this was a matter of some gravity. In substance, perhaps, that Schedule might be accepted; but it went too far, in his opinion, with respect to offences on board ship. It would be better to schedule the offences, as far as possible, in harmony with the 4th, 5th, 6th, 7th, 8th, 9th, and 10th clauses of the Bill now before the Committee; and he should not like to give an undertaking to produce the Schedule to-morrow, but he would do so as soon as possible.

MR. PARNELL admitted that the hon. Member (Mr. C. S. Parker) was right, and he was wrong, as to the effect of his previous Amendment; but as to his present Amendment, the more he looked at it the more he was convinced of its value and importance. He believed it would do more than anything else to diminish the flogging of any but those disgraceful characters who ought not to be in the Army. Under momentary irritation, a commanding officer might now flog a good soldier, either on board ship or by the assistance of a drumhead court martial, which was a very summary business; but if this Amendment were passed, necessitating the discharge of a flogged man from the Service, a very strong inducement would be afforded to commanding officers to refrain from flogging good soldiers whom they did

not desire to lose. Therefore, it would protect the good soldier in a very unexampled way from hasty sentences and quick-tempered officers; because, if they flogged him, they must dismiss him. He must trouble the Committee by dividing, especially as the right hon. and gallant Gentleman had refused to give the matter any consideration.

MR. O'DONNELL said, he listened with great attention to what the Secretary of State for War had said; but he fancied there was a very large number of offences that ought and could be punished on the line of march by other means than either flogging or shooting. For instance, an offender might be condemned to very inconvenient labour or fatigue duty, or he could be marched in a position that would expose him to the unfavourable criticism of his comrades. If an officer got drunk on the line of march, they could not imprison him and they could not shoot him, and nobody thought of flogging him; and he wanted to know if it was not necessary to flog an officer for drunkenness, why a soldier should be flogged for drunkenness, unless there were some specially aggravating circumstances, which gave the offence an infamous tinge? He thought, considering the large inducements for getting drunk which the Army system offered to the soldier, the punishment of flogging for drunkenness was very much out of place. At present, in South Africa, soldiers could get drunk very easily, and were getting drunk very readily; and it would be much better if some pressure were put upon the military authorities to superintend their supply of drinks, and to guard their men from the temptations to drink, rather than to put into their hands the power of recklessly flogging the unfortunate fellows who fell under the temptation of drink.

MR. WADDY regretted the somewhat heated manner in which both sides of the House had carried on this discussion. He heard one Member from his side of the House allege that hon. Gentlemen on the Government Benches were of opinion that soldiers liked flogging; and he could not help thinking that it would be as well to keep clear of such absurd assertions. He was going to vote against the Amendment; but the view he took of the matter now was very different from that which he took when

this debate began. The difficulty he then felt was that there were hon. Members on both sides of the House belonging to the Military Profession, and almost all, if not all, of them appeared to be on one side of the question. Now, if one attempted to give a conscientious vote with regard to a matter on which, professionally, one knew little or nothing, all that one could do, in the first instance, at all events, was to listen to the opinions of men who had professional experience, and who were perfectly humane, and to be guided very much by their opinions; and it was because he felt that was the only resource he had, that in one or two Divisions on the subject he felt it his duty to vote on behalf of that system of principles which appeared to him to be opposed to death, and in behalf of a minor punishment. But this debate had now lasted for some length of time, and probably would last longer still; and some of them felt it to be their duty, under the circumstances, to get all the information they could on this difficult subject from other men in the Army than those who were in the House. The result of that information, in his case, was that he felt it his duty to give his vote on the side of those hon. Members who opposed the principle of flogging as far as they could oppose it. He knew very well that did not affect this particular Amendment; and the reason he opposed the Amendment was that he could not help thinking that it was one that would destroy itself. In the present state of the composition of the Army, they could not carry out an Amendment of this sort practically. He was sorry to say it; but there were scores and hundreds of men in the Army at this moment, who, he was afraid, would be very willing indeed to go through the punishment of flogging if, in the result, they might be dismissed, even with ignominy. The answer to that, of course, was that they ought not to be in the Army at all. He entirely agreed with that; but they were there, and he thought that was one of the strongest arguments that could be used against the general principle of flogging. He feared that many such men were in the Army, while men of a higher stamp refused to enlist, because there was this punishment of flogging for them; but, then, being

Mr. Waddy

where they were for the present, he thought the Amendment of the hon. Member for Meath would not bear consideration. He did not propose to go into the general question; but he thought they would have, sooner or later, to abolish this punishment, in order that they might bring into their Army a worthier and a higher class of men, who would not join as long as there was this punishment in store for them. There were in this country at this moment thousands of men, well brought up, but not in circumstances of wealth, who would be very happy to join the Army and to fight their way through, now that Purchase was abolished, taking the Army as a legitimate and honourable Profession, but who would be very likely to be hindered from joining as long as flogging was maintained. Therefore, with regard to the broad general question, he had been convinced by what he had heard in and out of this House; but with regard to the Amendment, he should vote against it.

GENERAL SHUTE thought it was only the greatest possible blackguards who should have corporal punishment, and he would have it abolished altogether if it could be; but he should oppose the Amendment for this reason—that although only great blackguards should be punished, yet they must remember that those men whom they discharged with ignominy would be able in a month to enlist in another regiment.

MR. O'DONNELL suggested that such a man would have his mark on his back.

Question put.

The Committee *divided*:—Ayes 48; Noes 157: Majority 109.—(Div. List, No. 125.)

MR. O'DONNELL said, he begged leave to propose an Amendment; but he would not persist in it if the general sense of the Committee were against it—

“That in every case in which a soldier should be so punished, he should not be allowed to serve with men who have never undergone this punishment.”

The object of the Amendment was to meet the argument of some hon. Members who had defended flogging. The hon. and learned Member for Barnstaple (Mr. Waddy) said just now, if they

followed up the punishment of flogging with expulsion from the Army, there were, perhaps, several hundreds of scoundrels in the Army who would gladly undergo a flogging in order to be rid of their military obligations. He supposed the Committee accepted that explanation, for they rejected the Amendment of his hon. Friend the Member for Meath. But they had to consider the position in which the Army was thus left. Soldiers might be flogged, and might continue to serve in the Army, and thus, when the red-coats passed through the streets, the civilians did not know but any particular soldier who was passing by might be a flogged man; and there could be no doubt whatever that that stigma of being possibly a flogged man must lower the character of any individual soldier in the eyes of the civil community. Well, why not—if they were to have flogged men—take a leaf from the regulations of other nations, and provide that such flogged men should continue to serve their country, but in battalions by themselves? Why not have disciplinary battalions, in which men of that character could serve? They had plenty of disagreeable work to do; they had Colonies and posts on which it must often seem a pity to squander the valuable lives of upright soldiers. Why not make use of an inferior class of men for those stations? If they were to keep in the Service men who had suffered the infamous punishment of flogging, let them be brigaded in battalions by themselves, and in that way let the Army be weeded of the hundreds of scoundrels for whose benefit the lash was maintained; but let not that disgraceful class of soldier continue to be shoulder to shoulder with honourable men. He begged, therefore, to propose that men who had been flogged should serve for the future in penal battalions; and he moved that, in page 19, line 28, these words be inserted—

“And in every case where a soldier has been so punished, he shall not be allowed to serve with men who have not undergone this punishment.”

SIR JOSEPH M'KENNA hoped the hon. Member would not press the Amendment, which he supposed had been merely put forward as a rhetorical device with which to bring to bear some reasonable observations on other matters.

COLONEL STANLEY said, he was bound to give a reason why he could not accept the Amendment, and he was bound to suppose that it was moved with the object of establishing disciplinary corps. All he could say was, that that had never been in accordance with the traditions of the Service, nor did he think it would ever be popular or effective. So far as he was aware, when a man had received corporal punishment, the whole matter was done away with and forgotten. He did not think either the man or his comrades thought anything further of the matter; and, whatever might be said in the House, nothing would induce him to hold any other opinion than that the process which the hon. Gentleman proposed would be vindictively following up a man who had been punished.

MR. O'DONNELL replied, that if it were provided that no man was to be flogged except for an infamous offence, he thought the comrades of such a man would not be likely to think lightly of his offence. He did not think officers would think nothing of an officer who had been flogged; and he did not see why this broad distinction should be perpetually drawn between soldiers and officers on the subject. He should not press the Amendment; but he considered the establishment of disciplinary battalions would be a most useful transitional step, in order to get rid of the scoundrels from the Army, and to convert it into an Army of citizens.

Amendment, by leave, *withdrawn*.

COLONEL STANLEY moved, in page 19, lines 30 and 31, to leave out “for an offence punishable under this Act, with imprisonment or greater punishment.”

Amendment *agreed to*.

MAJOR NOLAN said, he had an Amendment on the Paper, proposing to inflict flogging only for such offences as were at present liable to be punished by death; but as the Secretary of State for War had agreed to bring up a Schedule of offences, he would not move the Amendment.

MR. H. SAMUELSON moved to insert, in line 22, after “active service,” the words “except in the Island of Cyprus in time of peace.” He said, no doubt, it seemed a very strange Amendment to hon. Gentlemen opposite,

and at first it looked equally strange to himself; but he offered it in perfect good faith, because he could not, for the life of him, understand why the troops in the Island of Cyprus should be left liable to flogging in time of peace, as they appeared to be under the Bill as it stood; while by the law of England, Her Majesty's troops, as a whole, were not liable to flogging in time of peace. If hon. Gentlemen would take the trouble to look at Clause 6, they would find that offences were punishable more severely on active service than at any other time; and, by reference to the Definition Clause, they would find that active service meant, amongst other things, the active occupation of a foreign country. Now, Cyprus did not answer to the description of a Colony, but to that of a foreign country; and, therefore, the troops stationed there might be held to be on active service. Another reason for that view might be found in the terms of the Anglo-Turkish Convention, by which the occupation of Cyprus was throughout recognized as a military temporary occupation of a foreign country. The Sultan was the liege lord of Cyprus, and Her Majesty merely rented the Island from him for certain purposes. They were told, also, that it was taken as a place of war. He should like to know whether the Secretary of State for War could assure the Committee that, as a matter of law, as well as a matter of intention, Her Majesty's troops now serving in Cyprus, although they were engaged in the occupation of a foreign country, were not subject to the pains and penalties in the shape of flogging to which offenders were liable when on active service? It appeared to him that as the Bill was at present drawn, it would enable a commanding officer who construed the Bill literally, even if it did not absolutely compel him, to inflict a great injustice upon soldiers serving in Cyprus; but he was sure the Government would not wish to make an exception of that Island, but to put service in it on the same footing as service in Malta, Gibraltar, or the other English Colonies. He submitted the Amendment in all seriousness, hoping the Government would be able to show a clear way out of the difficulty.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought the Amendment

was unnecessary. In the Interpretation Clause the term "active service" was applied to a person subject to military law whenever—

"He is attached to or forms part of a force which is engaged in operations against the enemy, or is engaged in military operations in a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country."

Undoubtedly, our soldiers were not engaged at present in Cyprus in military operations against the enemy; nor were they engaged in a place wholly or partly occupied by an enemy; nor were they engaged in the military occupation of a foreign country. He did not think that Cyprus was in the same position as any of the Colonies or of any of the Dominions of Her Majesty; and no lawyer would be able to say that the soldiers in Cyprus were in military occupation of a foreign country, or that the troops of this country were without the consent or against the will of the Rulers of any foreign country in military occupation of it. Cyprus was occupied through an amicable arrangement between this country and the Porte, and it was never intended that it should be treated as a military occupation.

SIR CHARLES W. DILKE failed to follow the argument of the hon. and learned Attorney General. He admitted—though he did not say so—that Cyprus was a foreign country, or, at any rate, if he did not, the Lord Chancellor had used that very phrase in the House of Lords, and it was frequently used also by persons who were responsible. Therefore, the whole of the question turned upon the words "military occupation." The hon. and learned Attorney General had put in the words "without the consent of" or "against the will of a foreign Power," for there was nothing about that in the Interpretation Clause; and, certainly, they ought to limit military occupation by the insertion of that phrase. If they did not intend to put these words in, then clearly his hon. Friend was right in his contention; because the words of the Convention itself made this position quite clear. In that Convention, as had been pointed out, the ordinary terms of civil occupation were not used, and the terms were military throughout. The word "evacuation" was especially used and not the word "cession," as would have been the case otherwise,

Mr. H. Samuelson

Further, we had occupied the Island with a garrison of 10,000 or 11,000 men; we had declared it to be a place of arms; and we had begun by constructing military roads. Undoubtedly, the troops were, therefore, in military occupation of it; they were on active service, and this clause as to flogging would certainly apply.

SIR GEORGE CAMPBELL would not dispute the law of the case of the Attorney General; but if there was any difficulty about the question it should be made clear, otherwise, this question would effect not only Cyprus, but also larger places situated in the same position as that Island. For instance, there were very considerable territories belonging to the Ameer of Cabul which hitherto had owned allegiance to him, and which were now to be placed in military occupation of our troops. In that case, also, this same point would arise; and, therefore, it was very necessary that there should be no obscurity.

MR. HOPWOOD pointed out that active service had been defined, and included a military occupation of a foreign country. A foreign country was defined as a place not situated in the United Kingdom, a Colony, or India. Cyprus was not in the United Kingdom, it was not in India, and it certainly was not a Colony. Then, was it not a foreign country—and, if so, the soldier could be clearly subjected to the punishment of the lash? Would it not, therefore, be better to put in some words especially dealing with the case of Cyprus?

SIR HENRY JAMES remarked, that there was a good deal to be said of both views; and, therefore, as doubts might arise, he thought they had better make some Amendment. They all admitted that the soldiers in Cyprus were not to be flogged; and surely, therefore, they could come to some arrangement as to the preparing of the clause. The matter clearly ought to have been put right; for it would not be the least consolation to a soldier if, after a mistake had been made, he were told that the Attorney General had said he could not be flogged. The matter might easily be dealt with in the definition of the clause.

COLONEL STANLEY, with great respect for the opinions of hon. Members opposite, could not entertain a doubt that the military occupation meant was military occupation in a hostile country.

He would suggest, however, that the matter might be dealt with as pointed out in the Definition Clause.

MR. H. SAMUELSON was glad to find that the Government now admitted his Amendment was not so absurd as they seemed at first to consider it; and as his only wish was to prevent the legalization of an anomaly, and the Government had promised to make it quite clear that soldiers serving in Cyprus should not be liable to flogging in time of peace, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. SULLIVAN moved, in page 19, line 31, after the word "on," to insert the words "officers or," so that the clause would read—

"Corporal punishment in pursuance of this Act may be inflicted for an offence punishable under this Act with imprisonment or a greater punishment on officers or soldiers while on active service," &c.

His Amendment, of course, raised the whole question of whether the punishment of flogging should be treated in one way for one class, and in another for another class. The right hon. and gallant Gentleman the Secretary of State for War had frequently told them that flogging was necessary on the line of march, because they could not imprison a soldier; it was inconvenient to send him to the rear, and they did not want to shoot him; but if an officer committed any of these offences, they could not shoot him, and they did not flog him. What, therefore, were they to do with him? If the soldiers were flogged, why not the officers also? That was the exact point he wished to raise. Such a difference would make a great impression on the country, and it would have much to do, certainly, with recruiting in the future. The real objection to his Amendment was that if it were once introduced a man would never be flogged again, or an officer either. He wished to be candid, and the Committee clearly would see that the object of his Amendment was that there should be no flogging in the Army. He could not understand why a beastly offence should be punished in one case with flogging, and not in the other. Many young men of excellent family had entered the Army as privates; but did they suppose that any young man of education would do so, now that they

knew they might be liable to be subjected to the ignominy of the lash; while, if they had entered as officers, they might have committed a much more serious and more disgraceful offence, and yet the lash would not have touched their backs? Why was this class distinction made? It belonged to a time when the private was believed to be of a very different clay to the porcelain of which his officers were made. This was a very serious distinction that they proposed. They said that murder, rape, or robbery was worthy of the lash if committed by Private Tom Smith; but that if Lieutenant Jones, the officer, committed the same offence, he ought not to be punished, and was not worthy of the lash at all. The argument had been used that they ought to flog soldiers because they flogged garotters in the gaols. It was not a very complimentary argument; but he would ask whether, if a garotter belonged to an educated class, that would save his back from the lash? He looked forward to the day when the Army should be drawn from a superior class of men to that which they now had in it. The Board schools would shortly have done their work in turning out more highly-educated children; and did they think that a generation in which the intelligence was quickened, and its powers developed, would ever allow itself to be subjected to the ignominy of the lash? He knew of no Amendment which had yet been proposed which so closely touched the question of the self-respect of the working classes; and, therefore, he hoped that it would be accepted by the Government.

Amendment proposed, in page 19, line 31, after the word "on," to insert the words "officers or."—(*Mr. Sullivan.*)

Question proposed, "That the words 'officers or' be there inserted."

COLONEL STANLEY said, he could not accept the Amendment. If the Committee were to accept it, they would undo their own work. They had already made an alteration in the clause which exempted non-commissioned officers from the punishment of flogging for any offence committed by them as non-commissioned officers; and the objection which was raised to their punishment applied to the case of officers also. It

was not necessary, for the purpose of discipline, to deal with offences by officers in any other manner than that proposed by the Bill. Upon these grounds, he felt that he was justified in opposing the Amendment.

MR. RYLANDS thought this was a very serious and important Amendment. It was very possible that gentlemen who had themselves been officers in the Army would shrink, and naturally so, from an Amendment of this kind, the effect of which would be, of course, to cast, by implication, some stigma on officers in the Army. It would be supposed that officers could be guilty of the infamous conduct involving such punishment. He wished to point out to the Committee that in our Common Law proceedings any such distinction in classes of offenders would be scouted. Rank would not be allowed to interfere to save a noble Duke from the punishment which would be given to an humble individual for breaches of the law. In Common Law no distinction was ever made, and he could not see why the same principle should not be applied to the Army. He hoped and believed that no officer would ever be guilty of the only class of offences scheduled in the Bill; but if an officer was guilty of any such crime, he ought to be punished the same as the common soldier. He regarded the Amendment as one of the most important yet placed on the Paper, and the Committee would commit a great mistake if it did not vote for it.

MR. BURT said, he felt very strongly, indeed, on the general question of flogging. He thought the time had come when it might, with very great advantage, be entirely abolished. He had no doubt it deterred many good men from entering the Army. At the same time, it was possible there might be offences sufficiently bad to make flogging necessary or justifiable; but he thought the punishment should be attached to the crime or offence, irrespective of the rank or position of the guilty party. He thought that that was the general principle that the House ought to assent to. He did not see on what principle flogging should be administered to a common soldier for an offence which was not punished by flogging when committed by an officer, unless on the old principle mentioned by our great Dramatist—

Mr. Sullivan

"That in the captain's but a choleric word,
Which in the soldier is flat blasphemy."

If they retained flogging for certain offences for soldiers, and did not impose it on officers who committed similar offences, then a most odious distinction was established between one man and another.

COLONEL KING-HARMAN said, he entirely differed from the hon. Gentleman opposite, who thought no distinction should exist between officers and soldiers in this matter on the ground of rank. He thought there should be the greatest distinction; and, therefore, he opposed the Amendment entirely. He would reverse the quotation, and he would say—

"That in the private's but a choleric word,
Which in the officer is flat blasphemy."

And that those offences which were punished in privates by some minor punishment should be, and must be, visited in the case of the officers by the most severe punishment. If an officer committed any of these crimes he deserved death, and he would get it.

SIR HENRY JAMES was sorry to detain the Committee; but he should like to explain the vote he was about to give. He had consistently voted against flogging, and he could not now accept the invitation of his hon. and learned Friend and vote in favour of his Amendment, which would extend flogging, and declare that flogging should be administered. He wished to see no officer flogged, and he wished to see no private soldier flogged. The Committee had already agreed that no non-commissioned officer should be flogged; and if his hon. and learned Friend was consistent, he ought to have opposed that. It did not make it right to flog one class of men to propose to flog another; and, therefore, while he could understand this Amendment as intended to show how wrong it was to flog private soldiers, when it was put seriously, he must vote against it. He wished to see flogging abolished; and, therefore, he should vote against any proposition that any man, officer or soldier, should be flogged.

MR. PARNELL said, at first sight, there was something inconsistent in the proposal of the hon. and learned Member for Louth; but the inconsistency was more apparent than real. How did

the matter stand? They had affirmed the principle of flogging. They now came to consider the further question, as to whether flogging should be limited to soldiers only and should not be extended to officers? In considering this question, they might fairly take into account the reasons given by the Secretary of State for War for the position he had taken up on the question of flogging. What had he told them repeatedly? He told them, over and over again, that it was necessary to retain flogging because the officers of the Army wished to have it retained. If the officers wished to have it retained, let it be retained for the officers as well as the soldiers of the Army. They were told, also, that because they had agreed to exempt non-commissioned officers they ought to exempt officers; but non-commissioned officers stood on a different footing as regarded flogging. It was the officers who passed the sentence; it was the others who were sentenced. There was no inconsistency in exempting non-commissioned officers from a punishment which they had no power to inflict. The reason he and others contended for this Amendment was that if it was agreed to by the Committee, flogging in the Army would necessarily end. If officers were made liable to flogging, there would soon arise a feeling among the Army officers in that House which would lead at once to the abolition of flogging.

MR. HERSCHELL said, the argument of the hon. Member was not sound. It did not follow that officers would be flogged, though they were included in the Bill; and it would not follow either that flogging would be done away with altogether.

MR. DILLWYN said, he was as opposed to flogging as anyone; but he saw the importance of the Amendment, and he should vote for it. It was not that they wished flogging; but that the same law should apply to the rich and poor alike.

SIR GEORGE CAMPBELL was sure the hon. and learned Member for Louth did not wish to flog the officers of the Army; and, therefore, he put it to him whether he had not better withdraw the Amendment? The hon. Member for Burnley (Mr. Rylands) said that all men were equal in the sight of the law, and that what was good for the private was good for the officer. In civil life they

were all equal; but, on entering the Army, a man gave up his civil rights. There must be a distinction in rank.

MR. HOPWOOD acknowledged there was an apparent inconsistency here in seeking to extend a punishment which they tried to limit or abolish. But the inconsistency was, after all, merely apparent. It was conceded that the officer might be guilty of crime such as in the case of an English soldier would be punished with flogging. Then, why deny the officer that privilege? They had instituted flogging for "soldiers." If the officers could prove that they were not soldiers, let them go without flogging. If the officers wished to be exempt, let them not be guilty. An hon. Gentleman opposite said—"You have a number of blackguards in the Army, and they must be flogged," among the men. Well, he was only asking the Committee now to flog those who were blackguards among the officers. No Profession was without its blackguards; his own Profession did not escape, neither did the officers in the Army. He should vote for the Amendment.

SIR JULIAN GOLDSMID said, he had not interfered in this debate before, and he rose now only to appeal to his hon. and learned Friend to withdraw the Amendment. If he pressed it to a Division, he would place those who were in favour of abolishing flogging in the Army in a difficulty. He could not suppose that it was desired to extend the area; consequently, he could not agree to do what he thought wrong in order that good might come of it. He thought his hon. and learned Friend desired to reduce the whole matter to an absurdity, and in that he had been eminently successful.

MR. CHAMBERLAIN also hoped the matter would not be pressed to a Division, because the hon. and learned Gentleman's object had been gained in the discussion which had taken place. It was said the Amendment was inconsistent with others on the same side; but if the matter were looked into carefully, it would be found that all the Amendments, though some of them were inconsistent one with another, had been consistently directed to the abolition of flogging altogether; and, failing that, to limit as much as possible the crimes for which flogging should be inflicted. He hoped the effect of this discussion

Sir George Campbell

would be understood out-of-doors. He, at all events, was not in the slightest degree afraid of being held up to ridicule or indignation for having taken part in opposition to the flogging clause. But what he wished would be clearly seen was this—in reference to this particular Amendment, the Government had not, up to the present time, given any reason for the invidious distinction which the Bill made. He was struck by the remark made by the noble Lord the Member for Haddingtonshire (Lord Elcho) the other night, that they were all liable to be flogged if they committed serious offences. If anyone brutally assaulted a woman or garrotted an old man, said the noble Lord, he would be flogged. That, at all events, took away the invidiousness of the punishment for civil offences. He did not understand that anything had been advanced to justify the invidious distinction in favour of officers of the Army. If they were all liable to be flogged, he did not see why officers in the Army should be exempt.

SIR ALEXANDER GORDON thought it desirable the Committee should be consistent; and, therefore, he reminded it of what had been legislated in regard to corporal punishment in the Navy. By Sub-section 11, Clause 53, of the Naval Discipline Act, passed 10 years ago, it was provided that no officer should be subject to corporal punishment, and no petty or non-commissioned officer should be subject to it, except in case of mutiny. He thought the officers of the Army and the Navy should be on a similar footing.

MR. SULLIVAN, in consideration of the appeals made by several hon. Friends who were opposed to flogging, offered to withdraw the Amendment. He should raise the question, however, next Session. He and others were opposed to all flogging, and they had begun an attack on the lash, and they intended to persevere with it Session after Session.

Question put.

The Committee divided:—Ayes 22; Noes 213: Majority 191.—(Div. List, No. 126.)

MR. HOPWOOD said, he considered the Amendment of which he had given Notice was a very important one. He

proposed to leave out from the clause the words "or on board any ship not commissioned by Her Majesty." Those words, of course, did not affect what were ordinarily known as Queen's ships. He did not know whether they excluded also transports; but he believed that they did. On board Queen's ships the Naval Discipline Act, of course, applied with such extraordinary severity that under one clause it would, it was said, be possible, for some infraction of military discipline, even to flog a Colonial Bishop who might be a passenger on his way to his See. He wished they would attempt to flog one once, for that would be quite enough to show the absurdity of the present system, and to do away with it. Why was this extraordinary power to flog on board a ship not commissioned by Her Majesty maintained? Soldiers could not be flogged upon land unless they came within the definition of active service; but the moment troops got on board a vessel, although there were still better means of securing discipline, they had this extraordinary power of flogging given. Suppose, for instance, troops were at Southend, and they were put on board a river steamer to go up or down to some place; and suppose even that they were Volunteers, they would yet be amenable to this flogging clause. How could that be necessary? The defence, he supposed, would be the defence of necessity; but if this power were necessary on board ship, why should it not be given also to commanders on land in regard to troops in time of peace? Corporal punishment was said to be necessary on active service, because when on march a man could not be sent to the rear, and could not be imprisoned; but on board ship that was by no means the case. They could put an offender into irons in the hold; they could imprison him until the voyage was ended; and, therefore, where was the necessity for this extraordinary exception? A party of Artillery Volunteers going down the river to practice might be subject to this law; and if there were any infraction of military discipline, their commander might call a court martial and have one of them flogged, although on land he would have no such power. That did seem to him a most extraordinary inconsistency. Again, the other day, the 1st Dragoons started from this country. On

land they were not liable to flogging; but when they got on board the transports the commanding officer had power to flog, and it was a power he used on three men whilst on the voyage to the Cape.

Amendment proposed, in page 19, line 32, to leave out the words "or on board any ship not commissioned by Her Majesty."—(*Mr. Hopwood.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

COLONEL STANLEY said, it was asked why troops on board transports, and, therefore, not under the pennant, should not be treated exactly the same as if they were on shore? There were two reasons. First of all, the offences became much more analogous to those committed on active service; and, consequently, some offences might have very serious effects. A sentry, for instance, in charge of a lamp who went to sleep might, by his neglect of duty, endanger the safety of everybody; and that was not a light offence when a ship was 1,000 miles at sea. Again, in some of these ships going out to the Cape the heat was very great; and, on the score of humanity, he would ask which was the more severe punishment—to administer flogging, or to keep a man in irons, perhaps for 28 or 30 days, in a temperature of over 100 degrees? Nothing thing was, the troops on board ship did a large portion of the pulling and hauling work; while if a man stood still and refused to work they could not argue with him whether he was to pull a rope or not, and discipline was obliged to be very sharp on board ship.

SIR CHARLES W. DILKE asked, if it was not the case that troops going out to the Cape in a man-of-war were liable to a maximum of 48 lashes; whereas in another ship, not under the pennant, 25 would be the maximum?

COLONEL STANLEY replied, that it was hardly a matter he could answer himself, not being in possession of the Naval Discipline Act; but his right hon. Friend (Mr. W. H. Smith) would never allow 48 to be inflicted after the decision of the Committee.

COLONEL ALEXANDER said, that when he had gone out with troops men had often been flogged merely by the

order of the captain commanding. The officer in charge of the troops complained to him of a soldier, and he said—"You will be flogged to-morrow;" he was flogged accordingly.

MR. A. F. EGERTON said, of course, he was speaking in the absence of the First Lord of the Admiralty; but he had no doubt that he expressed his sentiments, when he said that after the decision come to by the Committee the other day, as to the limitation of 25, that that really would be followed in the Naval Discipline Act.

MR. OTWAY said, this rule might have some justification when troops were on board ships for two, three, or four months together. But, now, he would defy the right hon. and gallant Gentleman (Colonel Stanley) to name any place which was a distance of 28 days from an English port—the greatest distance that he knew of was 21 days. The contention was that it was better to treat soldiers in this barbarous manner than to inflict on them a lengthened term of imprisonment; but that contention fell to the ground, when they knew that the longest term of imprisonment could be but 21 days. In these changed circumstances, he thought they might find an efficient argument for abolishing corporal punishment on these ships. The most valuable officers in the Navy were of opinion that they might get rid of it; and on this point he might quote the opinion of a man whose opinion they would all respect, the more readily that he was no longer alive—he meant Captain Goodenough. Often and often he had come to him and urged him to bring that particular point to the notice of the House. The whole conditions of service had now so altered that it seemed to him almost impossible to continue this punishment.

COLONEL STANLEY said, he would not quarrel with the hon. Gentleman on the point of time; but the voyage to the Cape had taken 28 days.

MR. HOPWOOD, in reply, said, it was not at all a necessary alternative to flogging a man that he should be stifled. Some hon. Member had maintained that this was necessary in order to make the soldiers work on board ship; but he must remind him that the sailors could not be flogged—it was only a soldier in Her Majesty's Service who enjoyed that odious privilege and distinction. He thought his position was unanswerable,

Colonel Alexander

or, at all events, his arguments had not been answered.

MR. SULLIVAN asked, whether troops going from Dublin to Holyhead would be liable to be punished under this clause?

MR. PARNELL wished to know whether the clause would apply to the conveyance of Volunteers along the coast in time of peace from one port to another?

COLONEL STANLEY could not at that moment say whether, if Volunteers were brigaded with the Regular troops, they would be liable to corporal punishment. As reasonable men, they would know perfectly well that no such thing would occur. The infliction of such a punishment as this would only be after a trial by court martial.

MR. PARNELL did not think it was at all an unimportant question as to whether the Volunteers would be liable to this punishment. As they were going to have Irish Volunteers, perhaps the Government might be disposed to apply to the Irish Volunteers what was not applied to the English. They had lately seen exceptional things done to Irishmen; and he should not be surprised if this clause were brought into play in their case. He rose for the purpose of saying that he thought the part of the clause which they were discussing was a relic of bygone days. It was introduced to meet the case of the old slow passages on board the sailing troopships. It was not in accordance with the modern conveying of troops on board steam transport ships. The voyage was now of such short duration, and the powers in the hands of commanding officers were so ample, that it was not right to give exceptional powers during the passage. There was nothing on board ship, as anyone who had been on board ship would know, which could be at all endangered by the soldiers not doing their duty. It was really a power which took its rise in past times, when the captains of ships had power to flog their sailors. It was not likely that the captain of a ship would intrust any of the duties of navigation to the soldiers; he would be solely dependent on his own crew. He was sure, therefore, that the power would not be required for the purpose of preventing danger to the ship; and he did not see that its abolition would do any harm whatever.

MR. T. E. SMITH said, that it appeared to him that there was an impression that this punishment was to be inflicted on board of ships carrying troops, when such ships were not commissioned by Her Majesty. Her Majesty's troops were now sent to various parts of the world, and very often assistance had been given by the troops on board the vessels to the crew; but he had a distinct conviction that the power to inflict corporal punishment had nothing whatever to do with the services the troops rendered. The services were generally cheerfully and willingly given, and tended to promote a good feeling between the officers of the ship and the officers of the troops. There was no question of flogging in the matter; and it was unnecessary in respect of those services. So far as he had seen, the troops were always willing to lend their hand on board ship when required, and no advantage was gained by making them subject to flogging under those circumstances. The right. hon. and gallant Gentleman had alluded to what he considered might be a great offence, by reason of its endangering the vessel and those on board—namely, by the neglect of lamps. He had no hesitation in saying that no captain of a ship would ever trust that, on which the safety of the ship and those on board so much depended, to any but his own people. As to any lamps which might be upon the troop-deck, that was rather a question of troop discipline, and could be treated in the ordinary way.

MAJOR O'BEIRNE did not think that it was absolutely necessary to flog on board ship; the watches on board ship were not kept by soldiers, but by sailors; and if soldiers kept them, they would probably be washed overboard. There was ample power to maintain discipline on board ship without flogging, by imprisoning or by putting in irons in the hold, and there were other punishments which might be inflicted. He did not see any necessity for flogging on board ships; and, therefore, he should vote for the Amendment of his hon. and learned Friend the Member for Stockport.

Question put.

The Committee divided:—Ayes 164; Noes 68: Majority 96. — (Div. List, No. 127.)

THE CHAIRMAN pointed out to the hon. and gallant Member for Galway (Major Nolan) that the Amendment he proposed in page 19, line 34, to insert the words—

“And shall never be inflicted on any soldier save by the sentence of a court martial,”

was not germane to this clause.

SIR CHARLES W. DILKE asked, whether the Amendment would not be germane to the 72nd clause?

THE CHAIRMAN said, that it appeared to him that the Amendment might be properly raised on the 72nd clause.

MAJOR NOLAN observed, that the Chairman's decision seemed to him to be very curious. The clause began—

“Punishments may be inflicted in respect of offences committed by persons subject to military law, and convicted by court martial;”

and it certainly seemed to him that his Amendment was perfectly germane to this clause, and that he ought to be allowed to move that the punishment should be restricted to persons convicted by court martial. Of course, if he were ruled out of Order, he would submit; but he did not see how it could be so.

MR. PARNELL said, that the clause stated that punishment might be inflicted on all persons subject to military law. What his hon. and gallant Friend wished to do by his Amendment was to add that the punishment of flogging, one of the punishments which might be inflicted by the sentence of a court martial, should not be inflicted except by a sentence of a court martial. The clause, at present, was only permissive; but his hon. and gallant Friend wished to secure that the punishment of flogging should never be inflicted under certain circumstances.

THE CHAIRMAN said, that the hon. and gallant Member proposed by his Amendment that the punishment in question should not be inflicted by any other tribunal than a court martial. The clause now before the Committee had relation only to punishments inflicted by courts martial. It seemed to him that an Amendment of that character would be properly moved upon a clause which proposed to inflict the punishment in another way.

MAJOR NOLAN wished to shut out not only the flogging by the provost marshal, but by captains on board ship,

and the present seemed to him to be the only place to insert the restriction that flogging was only to take place by order of a court martial; he did not see how he could raise the Amendment elsewhere. There would be great difficulty in moving a new clause; and it would be much easier to raise it upon one of the penal clauses. He thought it would turn out that it was a very inconsistent decision to rule that he could not move his Amendment upon that clause.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) agreed with the Chairman's view, that the effect of the Amendment upon this clause would be to make it most absurd. The clause would read that punishments might be inflicted upon persons subject to military law, and convicted by court martial, and afterwards would come the restriction that this particular punishment should not be inflicted upon any soldier, save by the sentence of a court martial. The words were out of place in a clause dealing with the punishments to be inflicted by a court martial; he thought the Amendment might properly be moved upon the 72nd clause, as had been suggested by the hon. Baronet the Member for Chelsea. The symmetry of the clause would be destroyed if the Amendment were inserted here.

MAJOR NOLAN did not think that the symmetry of the clause would be injured by the adoption of his Amendment. The clause dealt with a number of punishments, and that simply put a restriction upon the infliction of corporal punishment.

MR. J. R. YORKE said, that as the Chairman had ruled that the Amendment was out of Order, the only course open was to move to report Progress.

THE CHAIRMAN said, that the hon. and gallant Member had, he supposed, been endeavouring to alter his decision upon the admissibility of the Amendment. He was, therefore, not absolutely out of Order in what he said.

MR. HOPWOOD rose to Order. He said that, in Clause 44, punishments might be inflicted upon persons subject to military law and convicted by court martial. Would it be possible to introduce after the words "military laws," "and shall not be inflicted otherwise than by court martial?" He did not think that there was anything wrong in inserting, in a later part of the clause, "should

be inflicted upon a soldier only by the sentence of a court martial." The whole clause was descriptive of punishment; and there was no harm in making some punishments only to be inflicted under particular circumstances. On the other hand, Clause 72, in which it was proposed to insert the Amendment, had nothing to do with punishments. It was only in that clause that punishments which were to be inflicted were enumerated; and there could be nothing inconsistent in saying that a particular punishment could only be inflicted by a court martial.

THE CHAIRMAN said, that the hon. and learned Member for Stockport was expressing his opinion that an Amendment of this sort should have been placed in the earlier part of the clause. But it had not been moved in that place, and the words at the beginning of the clause had been passed, and were the governing words of the clause. It was not competent to move these words now.

MR. CALLAN asked whether he could move to insert after the words "other circumstances," "save by sentence of a court martial?"

THE CHAIRMAN said, that the hon. Member would be out of Order.

MR. CALLAN begged to move to report Progress, as he thought the decision of the Chairman was of such importance that time should be afforded to hon. Members to consult authorities, and to decide what course of procedure should be adopted.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Callan.)*

COLONEL STANLEY hoped that hon. Members would not report Progress for a short time, for he proposed to move to leave out the last three lines upon that page, and the first three lines of the next. After that there were only three other Amendments which he proposed to accept, and there was nothing more upon this sub-section of the clause. They had already spent a long time upon the discussion of that clause, and he trusted that the discussion had been productive of good. It was not then so late but what they might well do good work, as they were accustomed to do at a much later hour. He would accept the ruling of the Chair, giving hon.

Major Nolan

Members the assurance that the discussion could very properly be brought on, as the hon. Baronet the Member for Chelsea had said, upon the 72nd clause. As they had cleared away much of what was debatable, he trusted that the Committee would that evening finish the few sub-sections which remained of the clause.

MR. HERSCHELL agreed with the right hon. and gallant Gentleman that this matter could be properly raised upon the 72nd clause. There were provisions upon that clause which would have to be dealt with upon the 72nd, and the limitation of flogging was one of those matters which would be properly considered upon the provost marshal clause. The 72nd clause was one of the vaguest possible character; and it would be necessary to make considerable alterations in it, and to decide whether or not there should be any flogging by the provost marshal.

MR. SULLIVAN said, that considering the numerous Amendments to the Bill, and the dangerous ground over which they had been going, he thought the right hon. and gallant Gentleman the Secretary of State for War had met them in a very fair and conciliatory spirit. For his own part, having taken part in this discussion, he did hope that his hon. and gallant Friend would take his advice, and would adopt the suggestion of the right hon. and gallant Gentleman, and allow the Committee to go on for another half-hour.

MR. PARNELL thought that the hon. and gallant Member for Galway would do best to postpone his Amendment—in fact, he did not see how he could help it, as the Chairman had ruled him out of Order. He thought, moreover, that at that late hour, and considering how long they had been discussing this question, that it might very well be postponed until Clause 72 was reached; any matters which had been omitted would come later upon the discussion of the 72nd clause.

MAJOR NOLAN said, that he would not move Amendment then, but would raise it upon the 72nd clause. He saw a considerable difficulty in doing so; and it seemed to him that there would be much more difficulty and responsibility in changing that clause than in altering the present clause, and declaring that a soldier should only be punished

in respect of flogging by a court martial. He thought it very hard that he should have been ruled out of Order upon this clause, and he was afraid the Bill would suffer for it.

MR. CALLAN begged leave to withdraw his Motion to report Progress. At the same time, he begged to give Notice that he intended to raise a question as to the decision of the Chairman upon this point.

Motion, by leave, *withdrawn*.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. OTWAY did not wish to prolong this discussion; but he must express his extreme regret that the right hon. and gallant Gentleman had chosen to protract this debate by the course he had pursued. It would always be remembered that it was the right hon. and gallant Gentleman's Government, and it was during the reign of the right hon. and gallant Gentleman, that the British soldier was subjected to a punishment which lowered the gallant fellows upon whom it was inflicted. It would always be remembered that it was the present Secretary of State for War, and the Home Secretary, and the Chancellor of the Exchequer, who distinguished themselves by continuing the use of the lash. One remark he wished to make before he left this subject. Statements had been made by Ministers of that House that the military authorities—and he had it upon the authority of the right hon. and gallant Gentleman the Secretary of State for War—that the military authorities were in favour of this punishment. He challenged the right hon. and gallant Gentleman to produce his military authorities. Why did he not? On the other hand, he had some military authority against this punishment. He had the authority of a gentleman whose name would pass down for ever as a brave and gallant soldier—namely, the late General Napier, and he was most decidedly opposed to flogging, as well in time of war as in time of peace. Then, again, was there any authority among military gentlemen having seats in that House higher than the hon. and gallant Gentleman (Colonel Anson) who seconded a Motion that he (Mr. Otway) had made in that House? Neither of

those distinguished officers thought it necessary to retain the lash; but the Government said that they had the highest military authority; and he challenged them to name any officer of recognized position who was prepared to come forward and say that the discipline of a British Army could not be maintained unless the use of the lash were retained. He should divide against this clause; and he hoped that all who wished to relieve the Army from this disgrace would vote with him.

Question put.

The Committee divided:—Ayes 137; Noes 45: Majority 92.—(Div. List, No. 128.)

House resumed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

QUESTIONS.

DEATH OF THE PRINCE IMPERIAL. QUESTIONS.

MR. BENNETT-STANFORD asked, If the Government would give the House the contents of the telegram which they had received from the Cape, and which had occasioned much anxiety?

MR. PULESTON also inquired, What information the Government had received with reference to a report which had occasioned great anxiety to the Members who had heard of it?

COLONEL STANLEY: Sir, with your permission, and with feelings of very deep regret, which I am sure will be shared by the House, I will read the telegram just received from General Lord Chelmsford, telegraphed from Ma-deira to-day—

“Camp, seven miles beyond Blood River, under Itellezi Mountain, 2nd June.

“Prince Imperial, acting under orders of the Assistant Quartermaster General, reconnoitred on the 1st of June. Rode to camping ground on June 2, accompanied by Lieutenant Carey, 98th, Deputy Assistant Quartermaster General, and six white men and friendly Zulus, all mounted. Party halted and off-saddled off the road about ten miles from this camp. Just as the Prince gave orders to mount a volley was fired from the long grass around the kraals. The Prince Imperial and two troopers are reported missing by Lieutenant Carey, who escaped and reached the camp at dark. On the evidence taken there can be no doubt of the Prince being killed. Some 17th Lancers and

ambulances are now starting to recover the body, but I send this off at once hoping to catch the mail. I myself was unaware that the Prince Imperial had been detailed for this duty.”

I have the melancholy satisfaction, such as it is, to add that a telegram has been received by my right hon. Friend (Sir Michael Hicks-Beach), stating that the body of the late Prince Imperial has since been recovered. I think, Sir, it is hardly necessary for me to express here in this House what, I am sure, is felt by all of us in this House, of whatever Party, that a young Prince who, we are proud to think, had derived some portion at least of his military education in our own Military Academy, and who, united by the tenderest bonds of comradeship, had volunteered gallantly to go out and assist his former comrades at a time of difficulty and danger, should have met with a fate which, though it well becomes a soldier, still is one which has cut him off prematurely. I am sure we must all feel the deepest sympathy with that gracious lady who is thus deprived of the only prop to which she might have justly looked forward in after-life.

ORDERS OF THE DAY.

INDIAN MARINE BILL.—[BILL 182.]
(*Mr. Edward Stanhope, Mr. John G. Talbot.*)

COMMITTEE.

Order for Committee read.

MR. BIGGAR said, he hoped that the House would not consent to go into Committee on this occasion. The Bill proposed to give large powers to the Governor General of India in Council; such powers as the House should not delegate to anyone.

MR. PARNELL objected to the House going into Committee. He thought, as the Order was an opposed one, it should not be taken at that late hour.

MR. E. STANHOPE said, that the Bill was exactly the same now as it was before; it was only presented to the House now in an amended form.

MR. DILLWYN observed, that there was a Notice of Amendment down to this Bill; and, as he understood the half-past 12 o'clock Rule, this Bill should not be brought on.

Mr. Otway

MR. SPEAKER said, that the Motion to go into Committee was only taken *pro forma*, in order to render the Bill more acceptable to the House. He would point out to the hon. Member that the Bill was not advanced a stage by its being taken on that occasion.

Bill considered in Committee.

(In the Committee.)

Bill reported; to be printed, as amended [Bill 211]; re-committed for Tuesday next, at Two of the clock.

PUBLIC HEALTH ACT (1875) AMENDMENT (INTERMENTS) BILL.—[BILL 61.]

(Mr. Marten, Mr. Greene, Mr. Cole.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(Mr. Marten.)

MR. DILLWYN trusted the third reading of the Bill would not be taken that night. The Bill was only unopposed because there had been no time to put down Notice of opposition.

MR. SPEAKER said, that as no Notice of Amendment had been put down the Bill could be taken then.

MR. DILLWYN said, that the Bill had only so recently gone through Committee that there was no opportunity to place any Amendments on the Paper.

MR. SPEAKER said, that it was open to the hon. Member to move the adjournment of the debate.

MR. DILLWYN moved the adjournment of the debate.

MR. OSBORNE MORGAN begged to second the Motion for the adjournment. He said, that this Bill was an exceedingly objectionable measure. The clauses of the Bill were short; but, in effect, they proposed to give to rural sanitary authorities power to construct cemeteries entirely irrespective of the wishes of the ratepayers, and then to charge the cost of such works upon the rates. He could not conceive any proposal more absurd than this. Moreover, the Bill was a retrograde one, as it went, so to speak, behind the back of the Burial Acts, and authorized the construction of burial grounds, without any unconsecrated portion being set apart for the use of Dissenters. So far, therefore, from meeting their demands, it placed

them in a worse position than before. The hon. and learned Member for Cambridge had stolen a march upon them; and because he happened to leave the House a minute or two before the Bill came on yesterday, it was taken without opposition. In consequence of the Bill going through Committee so recently, there had been no time to put down any Notice to oppose it. Under these circumstances, he conceived that the Bill ought not to be pressed through the House at that hour. The ends of the Bill would be most mischievous; it was a very objectionable measure, and would give enormous powers to the local authorities.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Dillwyn.)

MR. BARING thought that, considering the great attention the hon. and learned Member had paid to the subject of interments, which he had made his own for many years, he ought at least to have been careful to see what Bills were going on with reference to the matter. Under the circumstances, the House owed him no special consideration.

MR. CALLAN trusted that, after the long discussion they had had that night, this Bill would not then be taken. He was under the impression that the half-past 12 Rule applied, unless the day after a Bill was taken a Notice of Amendment appeared on the Paper; but, in this case, no hon. Member had any opportunity of placing a Motion for the rejection of the Bill upon the Paper; and, as that had been the case, he thought that the half-past 12 Rule ought to apply.

MR. SPEAKER said, that if the hon. Member wished him to refer to the half-past 12 Rule he would do so. The third reading of that Bill had been fixed for that day, and no Notice of Amendment had been given. Under those circumstances, he was bound to rule that the regulation in question did not apply, and that the Bill could be taken then.

MR. MONK would be obliged if the hon. and learned Member for Cambridge (Mr. Marten) would explain the nature of this Bill. The Bill had passed through Committee without a single observation being made respecting it; and when the hon. and learned Member

asked that it might be read a third time, he should, at least, tell the House something about it.

MR. MARTEN said, that private Members had so few opportunities of passing their measures that he trusted the House would take the third reading of this Bill on that occasion. He entirely disclaimed any intention of smuggling the Bill through the House, and had only taken advantage of such opportunities as fell in his way. He might say that the Bill was supported by the hon. and learned Member for Penryn (Mr. Cole).

MR. OSBORNE MORGAN remarked that the hon. and learned Member for Penryn (Mr. Cole) had told him that he entirely disapproved of the measure.

MR. MARTEN said, that he had conversed with the hon. and learned Member for Penryn (Mr. Cole), and, so far as he knew, he approved of this Bill. It was merely a Bill to enable the sanitary authorities, in certain cases, if they thought fit, to provide cemeteries. There was an absolute necessity at the present moment for a machinery to enable the ordinary sanitary authorities in certain cases to provide for the interment of particular persons, in the same way that they now had to provide mortuaries. In fact, it was simply a Bill enabling the sanitary authorities to make provisions for the public health. He trusted that the House would now proceed to the third reading.

Question put.

The House *divided*:—Ayes 15; Noes 43: Majority 28.—(Div. List, No. 129.)

Original Question again proposed, "That the Bill be now read the third time."

MR. CALLAN said, that after a prolonged debate, extending from 4 o'clock that evening, of more important matters, this Bill was now pressed on in spite of a most determined opposition. No real legislation could be done by victories snatched like this. He begged to move that the House do now adjourn.

MR. BIGGAR seconded the Motion, being of opinion that the Bill was one which required further discussion.

Motion made, and Question proposed, "That this House do now adjourn."—(Mr. Callan.)

Mr. Monk

SIR WILFRID LAWSON did not think that the hon. and learned Member for Cambridge had been wrong in taking advantage of every opportunity which he had to bring on this Bill. It was a matter of great difficulty to private Members to bring their legislation to this stage; and he did not think that the hon. and learned Member should be blamed for wishing his Bill to be taken then. When the hon. and learned Member had steered safely through all the shoals and got safely to that point, it was rather hard to ask him to give up the fruits of his perseverance. Perhaps the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) was jealous of an interference with a matter which he might think belonged entirely to himself. He would point out to him that there was nothing ecclesiastical in this Bill.

COLONEL MAKINS said, that the hon. Baronet the Member for Carlisle was perfectly right in saying that there was nothing ecclesiastical about this Bill; it was only a Bill which made better provision for the health of the people.

MR. OSBORNE MORGAN thought they were entitled to have the opinion of the Government upon this measure. He doubted whether the Government had read through this Bill; and before it passed the third reading, he thought the House should know what their opinion of it was.

MR. ASSHETON CROSS said, that he had been asked his opinion, and he would give it very shortly. He had read the Bill through carefully, and he could not conceive that anyone could, by any possibility, object to it. It simply did this—it gave the local authority facilities for having cemeteries if they wished to have them. There was nothing ecclesiastical in the Bill; it only enabled the local authorities to take more powers in respect to sanitary matters. He could not conceive any possible objection there could be to the Bill.

Question put.

The House *divided*:—Ayes 10; Noes 45: Majority 35.—(Div. List, No. 130.)

Original Question put, and *agreed to*.

Bill read the third time, and *passed*.

MOTION.

POOR LAW AMENDMENT (No. 2) BILL.

LEAVE. FIRST READING.

MR. SALT moved for leave to bring in a Bill to make better provision for the adjustment of Parish Boundaries, and to make further Amendments in the Acts relating to the relief of the poor in England.

MR. O'CONNOR POWER was surprised at the introduction of this Bill. The hon. Member who had asked leave to bring in the Bill was perfectly well aware that the recommendations of the Committee upon which this Bill was said to have been founded applied to the Three Kingdoms. Many weeks ago, he received a promise that legislation in this matter affecting Ireland should take place this Session. If the Government was so anxious to transact what was called the Business of Parliament, why did they leave Ireland and Scotland out of the proposed legislation? He should take the earliest opportunity on a future occasion, when there was a fuller House, of explaining what he could not but regard as the very extraordinary conduct of the Government in this matter.

Motion agreed to.

Bill to make better provision for the adjustment of Parish Boundaries, and to make further amendments in the Acts relating to the relief of the Poor in England, *ordered* to be brought in by MR. SALT and MR. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 212.]

SUPPLY.

Considered in Committee.

(In the Committee.)

Resolved, That a sum, not exceeding £500,000, be granted to Her Majesty, to pay off and discharge Exchequer Bonds that will become due and payable on the 29th day of June 1879.

Resolution to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow*.

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March

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1880, the sum of £6,567,023 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow*.

MUNGRET AGRICULTURAL SCHOOL, &c.

BILL.

On Motion of MR. O'SHAUGHNESSY, Bill to enable the Lord Lieutenant of Ireland, with the assent of Her Majesty's Treasury, to vary the trusts of the Mungret Agricultural School and Model Farm, in the county of Limerick, *ordered* to be brought in by MR. O'SHAUGHNESSY, MR. SYNAN, and MR. GABBETT.

Bill *presented*, and read the first time. [Bill 213.]

PETROLEUM ACT (1871) AMENDMENT

BILL.

On Motion of Sir MATTHEW RIDLEY, Bill to continue and amend "The Petroleum Act, 1871," *ordered* to be brought in by Sir MATTHEW RIDLEY and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 214.]

House adjourned at half after Two o'clock.

HOUSE OF LORDS.

Friday, 20th June, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Health Act (1876) Amendment (Interments) * (123).

Committee—Local Government Provisional Orders (Axminster Union, &c.) * (94); Local Government Provisional Orders (Abergavenny Union, &c.) * (103).

Report—Prosecution of Offences * (121).

Third Reading—Racecourses (Metropolis) * (45); Omnibus Regulation * (117); Convention (Ireland) Act Repeal * (77); Hares (Ireland) * (89); Local Government (Highways) Provisional Orders (Buckingham, &c.) * (95); Local Government Provisional Orders (Aysgarth Union, &c.) * (104), and *passed*.

ARMY ORGANIZATION COMMITTEE—THE MEMBERS.

VISCOUNT BURY said, it might be convenient to their Lordships that he should announce the names of the Members of the Committee on Army Organization. They were—General Lord Airey, General Lord Napier of Magdala, General Sir J. Lintorn A. Simmons, Lieutenant General the Earl of Longford, Lieutenant General Sir Patrick

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M'Dougall, Lieutenant General Armstrong, Lieutenant General Sir Henry Norman, Major General Sir Archibald Alison, Colonel Saunders, R.A., Colonel Hutton, and Colonel Bigge. The Secretary was Colonel Clive.

BUSINESS OF THE HOUSE—HOUR OF MEETING FOR PUBLIC BUSINESS.

RESOLUTION.

THE EARL OF DUNRAVEN, in rising to move—

“That, in the opinion of this House, the *Sittings of Public Business* should commence at 4 P.M. instead of 5 P.M.”

said, that the noble Viscount opposite (Viscount Midleton), in moving a similar Resolution last Session—the debate on which was still fresh in their Lordships' memory—had explained the subject in detail, and it would not be necessary for him (the Earl of Dunraven), therefore, to speak at any length upon it now. The noble Viscount commenced by saying that the *Sittings of this House* divided themselves into three heads; an arrangement which, though it sounded somewhat peculiar, was so convenient that he would follow the same plan. The *Sittings of their Lordships' House* naturally fell into three classes. It not unfrequently happened that the House, having little Business before it, passed through that little quickly, and rose about half-past 5 or 6 o'clock. He saw nothing to be ashamed of in that respect. Provided the House got through its work well, there could be no reason why it should not get through it quickly. It would greatly conduce to the convenience of the House, on those occasions, if the House met at 4 o'clock and rose at half-past 4 or at 5, rather than meet at 5 and rise at half-past 5 or 6 o'clock. The former hour would be more suitable to Members serving on Select Committees, because those Committees adjourned at 4 o'clock, and noble Lords could hardly be expected to wait about for an hour on the chance that some interesting discussion might arise in the House. It would be more convenient, also, to the House in general, and would induce a larger attendance of Peers. It was not always possible to tell, by looking at the Notice Paper, whether anything of interest would come before the House, because discussions of considerable importance sometimes arose

spontaneously, on the moment, and without any public Notice; and he felt sure many noble Lords would come down on the chance of any important debate arising, provided they felt that by doing so they would not, if disappointed, lose the entire afternoon. By meeting at 4 o'clock, there would be plenty of time, during the summer season, for their Lordships to ride or take exercise of any kind, to take advantage of trains leaving town at a convenient hour, or to go to outdoor places of amusement, when nothing of interest took place in the House; and in winter or spring, which was the same thing, only worse, they could console themselves, for lack of work, by the society of their friends at the most sociable hour of the day—5 o'clock. The present system was a direct premium on absenteeism. If it had been deemed advisable to weed out of the House all those Peers who were not resolutely determined to devote themselves to political life, no better plan could have been devised than to fix the hour of meeting for Business as it was at present fixed. Then there were the intermediate days on which unpremeditated debates arose which lasted till dinner-time, or discussions arising on important matters after due Notice, which never lasted beyond the same mystic hour. In fact, “the tocsin of the soul, the dinner-bell,” tolled the knell of all debates in that House unless an important Division was expected, or some matter of vital interest to the Empire was under discussion. The extra hour before dinner-time which would be gained would be of the greatest use in these cases. It would allow of a reasonable amount of discussion on important topics, and the House would be able to pay more deliberate attention to the details of Bills in Committee. An hour did not represent a great lapse of time, but, practically speaking, it doubled the time at the disposal of the House. It would be a great advantage to all Members, and more especially to those who had the misfortune to have committed the “atrocious crime of being young men.” He did not mean specially young in years, but young in the House. Many of them had to get all their experience in the House. They were in the lamentable position of being recruits delegated to the Reserves not only after short and inadequate service, but without any active service whatever. On occasions

Viscount Bury

of great debates there was no difficulty in keeping a House to a late hour. But these occasions were rare; like angels' visits, they were "few and far between." The House sat till a late hour perhaps three or four times in a Session. On those occasions, no doubt, the more inexperienced Members were better employed in admiring the eloquence and listening to the opinions of certain noble Lords than in endeavouring to give utterance to their own thoughts; but it would be well if they could have some chance of joining in those debates, and an extra hour before dinner, by giving more time for the first two or three great speeches, might afford some opportunity for a little desultory firing during the dinner-time before the principal forces were again got into position after that hour. He was sorry to mention the dinner-hour so often, because it sounded as if their Lordships were especially fond of that entertainment. That idea was, of course, absurd. Their Lordships were always ready to subordinate their comfort to the public welfare on great occasions. But it was perfectly natural that the dinner-hour should form a legitimate boundary to the ordinary labours of the day. It would be easier to obtain the attendance of members of any assembly between the hours of 4 and 7.30 than between the hours of 5 and 8.30. The circumstances of the two Houses of Parliament were so different, it was useless to compare them. Besides, noble Lords were, no doubt, unselfishly anxious to avoid the social sin of being late for dinner. He believed the change would be to the convenience of society and of the House as a whole, with the possible exception of the noble and learned Lord (the Lord Chancellor). If it were a mere matter of personal convenience, he had no doubt that the noble and learned Lord would rise in his place and clamour to sacrifice himself to the general good; but, possibly, he thought of Lord Chancellors in the abstract, and of the legal business. The House might sit for appeals at 10 o'clock in the morning—and in doing so it would meet at the hour which all the Courts in the country met at. But if grave legal difficulties existed, he maintained that afforded no argument against the contemplated change—that was no reason why the House should lose an atom of its usefulness or sacrifice its convenience;

but it did show cause why some change should be made as to the Speakership of the House. The House was its own Speaker—an anomalous state of things which had advantages, but which might lead to strange results. It was obvious that any Party in a majority might prevent the minority from ever speaking at all. That was not likely ever to be more than a theoretical possibility; but there were other objections. He would not mention them, as that was not actually the point in question. All he wished to say was that it would be better to alter the system than continue it to the detriment of the House. He did not believe it would be necessary to alter the system, because if the House sat for legal business at 10 o'clock, the Lord Chancellor could take his seat at half-past 4, or a quarter of an hour after the regular Business would commence. Surely the noble Earl the Chairman of Committees might occupy the Woolsack for those 15 minutes? And in cases where a Committee of the Whole House was the First Order of the Day there might be a Deputy Speaker or Chairman chosen. Those occasions occurred about 10 times in a Session. It would be necessary to have a Deputy Chairman for two hours and a-half each Session. He asked if such a small matter should weigh against the convenience of the whole House? He believed the alteration in the hour of assembling would increase the usefulness and add to the dignity of the proceedings of their Lordships' House.

Moved to resolve, That, in the opinion of this House, the Sittings for Public Business should commence at 4 p.m. instead of 5 p.m.—(*The Earl of Dunraven.*)

VISCOUNT MIDLETON, in supporting the Motion of the noble Earl, said, the experience of their Lordships was in his favour of the proposed change. When brought a similar Motion forward last Session, his noble Friend at the head of the Government met it by statistics. Now, he found that in 1877 the House met 93 times and adjourned on 49 occasions before 6 o'clock. Last Session, it met 103 times and rose before 6 o'clock on only 47 occasions. Noble Lords left the building when the Select Committees adjourned and did not come back. On one occasion he met a noble Lord going home, and, on his asking him whether he intended to return, he said he had been serving on a Committee and was

too exhausted to do so. It was obvious that if the House had been sitting he would have gone into it. The present arrangement for meeting had the effect of shutting out any discussion on the part of independent Peers, and confining the debates exclusively to Ministers and ex-Ministers. In the present Session, when the Afghan debate was about to be adjourned, his noble Friend at the head of the Government moved that the House should meet at 4 P.M. on the following day. The result was that the debate was resumed at that hour, and kept up until half-past 3 on the morning following. Acting on that precedent, he (Viscount Midleton) moved that the Zulu debate be resumed at 4 in the afternoon; but the Lord Chancellor said that an important appeal case would be interfered with by that arrangement, and the Prime Minister suggested that such a Motion ought not to be made without Notice. He did not press his Motion. Consequently, the debate was resumed at a quarter-past 5 and brought to a close at 12. Only 11 noble Lords took part in the debate, of whom seven were, or had been, Cabinet Ministers, two had been, or were, Under Secretaries of State, and one had been a permanent Under Secretary of State. On the occasion of the discussion of the Bill for Marriage with a Deceased Wife's Sister the debate ended by a quarter to 8, only three-quarters of an hour having been devoted to it after the noble Lord who had charge of the measure moved the second reading. When the Duke of Argyll brought forward the foreign policy of the Government, the dinner-hour approached before the noble Earl at the head of the Government could address their Lordships, and even his ability and eloquence could not keep a good attendance. The system of pairing was not in vogue in their Lordships' House, as it was in the House of Commons, and, therefore, noble Lords could not leave the House for a short time without running the risk of finding the Division taken before their return. The practical difficulties which it had been suggested were in the way of an earlier meeting could easily be surmounted. When noble Lords holding Office, or those who had done so, wished to address the House, no private Member with any decency could take part in the debate. There were three classes to

be considered in this change. First, the officials, who would be placed in no worse position by such a change as that proposed than their colleagues in the House of Commons. With regard to the Lord Chancellor, who was the hardest-worked man in the House, he could be relieved by one or more Deputy Speakers, and he believed that any loss of dignity which might arise from such a course would be more than balanced by its convenience; and then, thirdly, with regard to the independent Members on both sides of the House and the leading Members of the Opposition, such a change as that proposed would be in their favour. Moreover, by the proposed change, younger Members of their Lordships' House would be listened to without impatience.

LORD ZOUCHÉ supported the Motion. In these days, when every institution must expect to be freely criticized, their Lordships' House should endeavour to do more legislative Business. Under the present system, the opportunities given to independent Members to express their opinions were almost *nil*; and, if by meeting earlier their Lordships were enabled to give more time to practical Business, the legislation of the House must be improved. Why, he asked, was it that all the work was thrown on the shoulders of one House and none on the other, but simply because there was no time given in their Lordships' House for transacting it before the dinner-hour? It was becoming more and more necessary that there should be an independent Chamber to check the Business that was not properly considered in the House of Commons. What was the use of that House, if they had no work to do? No less an authority than Mr. Gladstone had stated a few nights since, on the occasion of the debate on Indian finance, that the reason why a measure of such vast importance had not received its proper consideration was that the pressure of Business in the House of Commons was so great that there was not time enough for deliberate debate, even on questions of so grave a character. Of course, he (Lord Zouché) did not mean that the House of Lords would be competent to legislate on money Bills; but there was a large amount of intermediate Business which, if the House met an hour earlier, the less known

Viscount Midleton

Members of the House might usefully deal with.

THE EARL OF CAMPERDOWN expressed a hope that the Motion would be adopted. Those of their Lordships who attended the House regularly knew that on many occasions their Lordships had not adequate time to consider the intermediate class of Business that came before them. About a quarter to 7 o'clock the House became uneasy, and at 7 o'clock noble Lords who rose to address it alluded to the lateness of the hour and apologized for intruding. There was, in consequence, a general feeling that if a noble Lord wished to make a speech, he ought to be as quick as possible about it. It was said that noble Lords must get their dinners; but, then, when they had got their dinners, they did not return. The consequence was, that matters under discussion were left to the Lord Chancellor, a Minister or two, and such few Peers who might remain in the House. The debate last night did not commence until 7 o'clock. The consequence was, that one of the most important questions that could be brought before it—the great subject of Indian Finance—was debated in a thin House. At the magic hour of 7 the House consisted of about 12 Peers, and, at one time, if their Lordships had come to a Division, he was afraid it would have been found that their number had dwindled down to nine; and, at its conclusion, the audience consisted of the noble Duke opposite (the Duke of Richmond and Gordon), the noble Lord at the Table (the Earl of Redesdale), and himself—

THE EARL OF LONGFORD rose to Order. The question was the meeting of the House at 4 o'clock, and not last night's debate.

THE EARL OF CAMPERDOWN said, he was strictly in Order, inasmuch as the circumstance which he had stated showed that if the House had met at 4 instead of 5 o'clock, his noble Friend (the Earl of Northbrook) would have delivered his speech to a full instead of an empty House. He would ask their Lordships to imagine what would be the feelings of "the intelligent foreigner" who, after watching the lengthened proceedings of the House of Commons, should compare its diligence with the time devoted by their Lordships to such important questions as that to which he had referred?

THE EARL OF BEACONSFIELD: My noble Friend who has addressed us with so much ability asks us what would be the feelings of a stranger if he had entered the House for the first time last night, when we were deliberating on Indian Finance. I can only say, that if a stranger had been here for the first time to-night, he would naturally have supposed that there was a plethora of business, that we were labouring under arrears, and that the most extreme measures must be taken at once in order that we should have time and opportunity to contend with the mass of affairs with which we are, unfortunately, so incommoded. My noble Friend (Lord Zouche), in the ingenious remarks addressed to us, was not very happy in his illustration. He said that it was one of the grievances of this House, which might ultimately be productive of injurious consequences, that we could not have debates on such subjects as Indian Finance. Now, the fact is that last night we had a debate on Indian Finance, and I am quite sure, if my noble Friend had addressed us on that subject with as much ability as he has done to-night, he would have received the utmost attention. But where was he? My noble Friend (Viscount Middleton) made reference to the Zulu debate. Now, it so happens that when Notice was given of bringing forward that subject, I, remembering the complaints that had been made of opportunities not being afforded to our younger Members for discussion, though I did not think those complaints well founded, took some pains to secure that there should be an adequate debate. I communicated with several Members of the House on both sides, in order to ascertain whether they desired to take part in the debate, expressing a hope that they would do so. Well, some of them did announce to me that they would participate in the discussion, and I looked forward with great confidence to the debate being sustained in a manner which would have done honour to the House. But I regret to say that when the opportunity came, and when I looked round, on the one side, for those who were to attack the policy of the Government, and, on the other, for those who were to buckle on their armour in its defence, no champions appeared. With regard to one of

those noble Friends—who is capable of addressing us with power, and of whom I have had experience in the other House of Parliament—upon him I particularly counted. I had received what I regarded, of course, under a misapprehension, as a positive assurance that I might depend upon his taking part in the debate. Many were the messages sent, and many were the means taken to find out where my noble Friend was, but he could not be found. But, when I was on my legs, winding up the debate, what was my astonishment when I turned round and saw my noble Friend returning to the House in that peculiar costume which denotes the festive hour. A noble Earl seemed to think that the present hour of meeting is particularly inconvenient as regards those noble Lords who are serving on Select Committees. The Members of Committees labour during the morning in a manner the industry and efficiency of which are universally admitted; and it is refreshing to call to mind that the House of Lords has some virtues, when so many of its own Members are attacking its proceedings. The noble Earl complained that it was a great inconvenience that a Member serving on a Committee should not be able to proceed at 4 o'clock to his place in the House. My noble Friend who seconded the Motion (Viscount Midleton) completed the picture. He gave an instance—and as Sterne observes there is nothing like an individual instance, and that a solitary captive gave him the true idea of slavery, so my noble Friend met a Friend who had just left a Committee, and remonstrated with him for going away and not attending the debate. But the Friend said—"I cannot agree with your proposition that we should attend the House at 4 o'clock, because I am entirely exhausted." So the great grievance, therefore, is that we are not forcing exhausted Members to take part in our debates. I know very well that it is considered a great advantage by many noble Lords, that between the conclusion of the Committees and the commencement of the debate there should be an opportunity for Members to have some air and exercise, and then they return with renovated energies to the performance of their duties. During this debate we have had a great many remarks on the necessity of dining. One would really

suppose that it was peculiar to the House of Lords that they could not go on without their dinners, and that Members of the other House of Parliament sacrificed their meals without compunction. I know that what takes place in the House of Commons—what is brought forward as a model for us to imitate—is not very different from what takes place here. It is just as difficult to keep a House there during the dinner-hour as it is here. The Members of the House of Commons, inferior beings as they are, do dine, and they do so with the mortifying results which have been described with so much vigour as if they were peculiar characteristics of the Senate of England. Unfortunately, last evening, the House was not so full as might have been desired, and some of my Colleagues, who possess much experience and eloquence, had not an audience numerically worthy of the occasion; but I understand, from the usual sources of intelligence, that on a late occasion, when the same question—the Finances of India—was under consideration in "another place," and when the House was addressed by a Member of great Indian experience, and who is an effective speaker, and afterwards by the great master of eloquence in this age, the attendance did not exceed four Members. Therefore, your Lordships' House gains by the comparison, because, on the showing of the noble Earl (the Earl of Camperdown), we had at all periods of the previous evening a much larger attendance than that. He admits that there were nine Peers who sacrificed their dinners, and sat throughout the debate. Before your Lordships come to the conclusion which the noble Earl the Mover of the Resolution recommends, your Lordships have to consider something more than the convenience of my noble and learned Friend on the Woolsack. Your Lordships must remember, a few years ago, when there was a prospect of your being deprived of your judicial powers, you very properly resented that attempt, and you vindicated and preserved your privileges as the great Court of the Kingdom. A Bill was introduced which secured those privileges, and constructed on a larger scale the machinery by which those great duties should be fulfilled. That included a number of Peers of eminence, who formed a body for judicial func-

The Earl of Beaconsfield

tions. It is well to consider whether it is desirable that this considerable number of Members should be called upon to commence their Parliamentary duties without the slightest interval for refreshment or repose. Again, I venture to make another remark on behalf of those whose case has never been stated to the House. I mean the Ministers of the Crown. The Business of the country is increasing every day, and it is extremely difficult for those who fill the great Offices of State to keep pace with the demand on their time and attention. But it may be said that the Ministers who are Members of the House of Commons have to attend there at an earlier hour. The pressure of Public Business in the House of Commons is so extreme that it must be met in the manner most conducive to its discharge; but all who have been Ministers know that the hour from 4 to 5 is most precious for the performance of Business, and it is highly desirable that the time which the Members of the Administration possess should be curtailed as little as possible. Some of the great Departments of the State are filled by persons who are Members of your Lordships' House. Of late years this has been the case to a greater extent than before. I myself fill an Office of constant care and labour. The Secretaries of State for more than one Public Department have seats in this House, and men who have experience of those Offices will tell your Lordships that it is a great boon to a Minister—like the Secretary of State for Foreign Affairs, for instance—to have the hour from 4 to 5 at his disposal. Even a Minister who rises early can scarcely expect to get well to his work before 11 o'clock, considering the immense mass of correspondence with which he has first to deal. There are then five or six hours, some portion of which must be given to refreshment and exercise, and it is, therefore, an object of importance to a man thus situated that he should have that hour of leisure which hitherto the House of Lords has so conveniently afforded him. These are considerations which, in my opinion, ought to have some degree of weight with your Lordships in coming to a decision on the question before you. The issue, I may add, has been entirely changed during the progress of the discussion; and the fact that the House met

at 4, instead of 5 o'clock, would not at all remove the evils on which one or two of the noble Lords who spoke in the debate dilated. The House is asked to make this considerable change, not because it has work which it cannot get through—not because there is a large amount of arrears of Business—but because, in reality, we have not as much work as we can do, and on frequent occasions we have had to adjourn for lack of work. In these circumstances it is, that it is proposed that the whole judicial body of the House shall be disturbed—that the time of leisure most valuable to Ministers shall be curtailed—that Deputy Speakers shall be appointed—and that machinery of a colossal kind shall be set up. One would naturally suppose that the House of Lords were overwhelmed, and in despair with the Business crowding their Table, and that you were inventing this comprehensive and colossal machinery for the purpose of encountering the difficulty. Under all the circumstances of the case, I hope your Lordships will not assent to the Motion.

EARL GRANVILLE said, that as he had spoken on this question when it was last brought before the House, he should not trespass on their Lordships' time at any length upon the present occasion. He agreed with the noble Earl who had just sat down, that the House was not overwhelmed with a plethora of Business—he scarcely remembered a Session in which it had so little to occupy its time as the present. As to the young Peers, he thought it was most desirable they should be afforded the opportunity of speaking; but he could not help adding that he thought they might create more frequent opportunities of doing so for themselves. Many of the young Members of the House might find the occasion for addressing their Lordships if they would only take the initiative, and he hoped they would do so more frequently in the future. He had no doubt, however, that it operated as a great discouragement to them to have to speak when the House was looking forward to breaking up. Whether they were likely to be much encouraged by the charming rallery of the Prime Minister, and whether they would not probably deem it better to postpone their speeches until he had spoken, he would not say. But be that as it might, he, for one, should

be glad to see them afford the House more frequent opportunities for admiring the ability which they undoubtedly possessed. As far as he could make out, the young Peers were in favour of the proposed change, and it was one, therefore, which was likely to be again brought under their Lordships' notice. He was glad that on the present occasion the proposal had enabled the noble Earl opposite to correct some exaggerated notions which seemed to have gone forth to the public as to their Lordships' anxiety about the dinner-hour. It was not a peculiarity of the Members of the House of Lords to desire to dine. That was a most laudable desire, which was fully shared in "another place." What happened, generally speaking, was that while there was no Assembly more willing to assist at an important debate, yet when a prolonged conversation occurred in which the great majority did not intend to speak, and there was no question of a Division, many of their Lordships, having previously made their arrangements, naturally did not care to postpone them. He was, therefore, disposed to think that the change which was suggested might be found of use in giving time for the transaction of what might be called "intermediate Business," and he certainly had heard no argument from the Prime Minister to show it would not be an advantage to the House in its political character to have the additional hour before dinner for the purpose. As to the judicial argument, he would observe that he had always thought it hard that the Lord Chancellor, who had Judicial as well as Ministerial duties to perform, should be obliged to remain in the House throughout the evening in a way in which no other Peer was required to do; and he would remind the noble Earl (the Earl of Dunraven), that the suggestion of appointing a Deputy Speaker was not a new one, as he seemed to suppose; nor could he, for one, see any objection to returning to the practice of appointing such an officer, so that the Lord Chancellor might be relieved, not only between the hours of 4 and 5, but more frequently, from duties which must be very irksome to a man who was so hard worked. As to the members of the Judicial Body generally, he did not think they shared in the wish to have the additional hour at their disposal. His noble

Earl Granville

and learned Friend Lord Selborne, for instance, stated last year that he thought the proposed change would be exceedingly desirable. As regarded the Ministers, he agreed with the noble Earl that they were, for the most part, overworked—especially in the House of Commons, where they had more to go through than almost any human being could endure. The same remark, however, did not apply with equal force to those Ministers who had seats in their Lordships' House, who had no such extravagant demands made upon their time, and whom there would be nothing to prevent from returning to their Offices on many evenings if the House were to meet at 4. He did not think, therefore, the Ministerial objections ought to be allowed to stand in the way of the change, and he should be happy to support the Motion of his noble Friend.

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Resolved in the Negative.

House adjourned at a quarter before
Seven o'clock, to Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 20th June, 1879.

MINUTES.]—SUPPLY—considered in Committee
—Resolutions [June 19] reported.

WAYS AND MEANS—considered in Committee—
Resolution [June 19] reported.

PUBLIC BILLS—Ordered—First Reading—Con-
solidated Fund (No. 4) *.

Select Committee—Report—Tramways Orders
Confirmation [No. 241].

Committee—Army Discipline and Regulation
[88]—R.F.

Considered as amended—Sale of Food and Drugs
Act (1875) Amendment* [139]; Common
Law Procedure and Judicature Acts Amend-
ment* [181], debate adjourned.

Third Reading—Marriages Confirmation (Her
Majesty's Ships)* [149], and passed.

The House met at Two of the clock.

QUESTIONS.

ARMY—THE AUXILIARY FORCES—THE
GLOUCESTERSHIRE MILITIA.

QUESTIONS.

MR. J. R. YORKE asked the Secre-
tary of State for War, Whether orders
have been given for the removal of the
Royal North Gloucester Regiment of
Militia from Cirencester to Horfield;
whether his attention has been called to
the unsuitable character of Horfield as
a place for the training and accommoda-
tion of troops, when compared with that
of Cirencester, where they now enjoy
exceptional advantages; and, whether
he is willing to cause further inquiry to
be made into the respective advantages
of the two places as head quarters, and
will direct that the issue of orders for
the removal of the regiment should in
the meantime be suspended?

MR. H. SAMUELSON asked the
Secretary of State for War, Whether,
considering that the clay field in which
the Royal South Gloucester Militia were
encamped in May last at Horfield is ill
suited for the combined purposes of a
camp and drill ground, it is intended to
accommodate the regiment next training
with quarters in the barracks or to pro-
vide it with a more healthy and suitable
camping ground?

COLONEL STANLEY, in reply,
said, that new training-places for the

Gloucestershire Militia had been selected in pursuance of the localization scheme adopted some seven years ago, and it would not be easy to make a change without very considerable inquiry. The encamping ground at Horfield was not in a very good state; but it was intended to drain it and make it more healthy. He could not promise that this improvement should be carried out at once; but if his official duties would permit him to do so, he should shortly take the opportunity of going to see the ground for himself.

MR. J. R. YORKE gave Notice that he should call attention to the subject on going into Committee of Supply.

EGYPT—ABDICATION OF THE KHEDIVE.—QUESTIONS.

MR. OTWAY: I have placed a Question upon the Paper in reference to Egypt to the following effect:—

"To ask the Secretary of State for Foreign Affairs, whether Her Majesty's Government have received any information confirming the report that the French Consul General had waited on the Khedive to announce the intention of France to demand his abdication: and, whether such step, if taken, was taken with the concurrence of Her Majesty's Government;"

and, with the permission of the House, I wish to make an extension of it. In the first place, I do not propose, as represented in the Question, to put it to the Foreign Secretary, but to his Representative in this House—my hon. Friend the Under Secretary, to whom I have given private Notice of my intention. In doing so, I shall endeavour to confine myself strictly to the Rules of the House, for the extension I wish to make expresses no opinion, contains no argument, and states only facts. Intelligence has recently been received in this country of a very startling character. This intelligence has been given both in the English and in the French papers, and it varies somewhat in the accounts which are given. But suffice it generally to say that a statement in the English papers has been made to this effect—that the French Consul General in Egypt has waited in uniform upon the semi-independent Sovereign of that country and demanded his deposition, or, as it is afterwards qualified by another account, has demanded his abdication in favour of his son, Prince Tewfik, promising him, at the same

time, a Civil List, should he accede to the French demand. Now, I should say that another telegram states that the Sultan of Turkey has expressed his approbation of this step, and his opinion that Prince Halim, now resident in Paris, should succeed in the room of the present Khedive. The Questions I desire to ask my hon. Friend in consequence of this intelligence are—Firstly, has this step been taken at all by the official Representative of France in Egypt; and, if so, has it been taken with the cognizance and concurrence of the Representative of England in that country? Has the approbation and concurrence of the Sultan been obtained towards this step; and, are the views of the other Powers of Europe, who are connected with us in the present engagements with regard to Egypt—are those Powers of Europe also cognizant, and do they concur with the step? Then, Sir, has any promise whatever been made that, in the event of the Khedive abdicating and Prince Tewfik succeeding, the Civil List in its present extent, or, if not, to what extent, would be accorded to the present Khedive; and has Her Majesty's Government given its assent generally to these proceedings, if I have correctly stated them, and, especially, to this promise of a Civil List to be accorded to the Khedive in case of his abdication in favour of Prince Tewfik?

MR. BOURKE: I do not think any person can be surprised that my hon. Friend (Mr. Otway) is anxious to obtain official information of an authentic character with respect to the subjects he has just mentioned to the House, and which have been the subject of many statements in various newspapers within the last few days. But I have already informed the House that negotiations on all those very important subjects which he has mentioned are in progress between the Powers, and therefore it is impossible for me—or I would rather say that negotiations with respect to Egypt are in progress between the Powers—and therefore it is impossible for me, following the precedents of a similar character, and also acting in accordance with the public interests, to make any statement in regard to the inquiries which have been made.

MR. CHILDERS: I hope I may be allowed to follow up the Question of my

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hon. Friend by an appeal to the Government on the points which have been raised, and by asking a further Question. [*Cries of "Move!"*] I am always reluctant to take that step; but if it is necessary, I will do so. For the present, however, I will not take the course of moving the adjournment of the House, and will confine my remarks to the Question I intend to ask. The Question I wish to ask is this—Whether, under the circumstances of our not having had any Papers on the affairs of Egypt during the last six months, when a Question is asked, not as to negotiations, but as to public acts going on in a country our relations with which are of so important a character as our relations with Egypt, that when my hon. Friend asks a plain question of fact—namely, whether the Consul General of France has made certain official communications to the Khedive of Egypt, we are to be put off with the answer that negotiations are going on, and that until those negotiations are completed the Government cannot make any statement? That may be a perfectly good rule generally, as regards anything tending to affect those negotiations; but I humbly submit to the House that it is not an answer to a plain question of fact, and I appeal to the Chancellor of the Exchequer whether he will not give a more full answer?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I regret very much that we do not feel ourselves at the present moment in a position to make a full and complete statement to the House in regard to what has passed in reference to this matter. I feel, and the Government feels, that an imperfect statement might be both embarrassing, and might cause serious complications; and, therefore, though I say so with great regret, I feel it necessary for me to adhere to what my hon. Friend has already stated by direction of the Secretary of State—namely, that it is not in our power at the present moment to make any statement with regard to what has passed. It will be observed that the reports which have reached this country have reference distinctly to the action of the Minister of another Power. The Questions which have been put, of course, have to a certain extent reference to the action, or consent, or approval of Her Majesty's Government with regard to what has

been done; but the main Question relates to the supposed action of a Minister of another Power; and I think that will at once commend itself to the House as a reason why we should be particularly careful as to making any statement specifically on the subject, without the consent of and clear understanding with the Power to which reference is made. I can only say upon this subject that active negotiations are going on, and that we are perfectly in accord with the French Government and the other Powers.

MR. OTWAY: I wish to observe, that one of the telegrams states that an English Representative, Mr. Lascelles, accompanied the French Consul General, M. Tricou, on the occasion of his interview with the Khedive, and concurred in the demand which he made. I can quite understand the reasons which my right hon. Friend and my hon. Friend, have put forward. Although I am much disappointed that he is not able to inform us as to the facts, I will not press my Question further to-day. I presume, however, that my hon. Friend will have no objection to place on the Table of the House—and it is most essential that we should see it soon—a copy of the Firman by which the Khedivial rank was conferred upon Ismail Pasha.

MR. BOURKE: Certainly, there can be no objection.

THE LATE PRINCE IMPERIAL. QUESTIONS.

MAJOR DICKSON: I beg to ask the Secretary of State for War, Whether he has received any official information from South Africa as to whether the remains of the late lamented Prince Imperial have been forwarded to this country; and, if not, whether it is his intention to telegraph instructions on the subject?

COLONEL STANLEY: I have not myself received any such information; but, as I stated at an early hour this morning, my right hon. Friend the Secretary of State for the Colonies has, I believe, received a telegram. The telegram sent to me simply stated that an ambulance and escort were being sent out in search of the body. My right hon. Friend has, I believe, heard by telegram from the Cape that the remains of the lamented Prince Imperial have been recovered,

and that steps have been taken to forward them to this country.

SIR ROBERT PEEL: Sir, with reference to the reply of the right hon. Gentleman upon the untoward and unhappy misfortune which has befallen Prince Louis Napoleon, I wish to ask him if he can inform the House in what capacity the Prince Imperial served, and what position he held in the Army of South Africa; also if he was on the Staff of Lord Chelmsford; and if, therefore, it was by Lord Chelmsford's order, and with what view, such a small force as that with which the Prince went was sent into an enemy's country, whilst there was a Force of no less than 26,000 men massed on the frontier of Zululand?

COLONEL STANLEY: Sir, I am not aware what position the lamented Prince occupied in connection with the Forces, and I am not aware of his having held any commission, nor am I aware of his having been attached to the Staff, although, like all the rest of the world, I was, of course, cognizant of the fact that he was with them. With regard to what the right hon. Gentleman has said about Lord Chelmsford, as to whether the Prince was sent out by his orders on the reconnoitring expedition, of that fact I am aware distinctly. Lord Chelmsford says in his despatch that he was ignorant of the fact that the Prince had been sent away with an excursion party.

INDIA — BRITISH AND PORTUGUESE INDIA—CUSTOMS UNION.

QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in this morning's papers, that a Treaty creating a Customs Union between the Portuguese Colonies and British India has actually passed the Portuguese Cortes, though this House has had no information whatever on the subject; and, whether the matter will be submitted to the House, or to the Legislative Council in India?

MR. BOURKE: Sir, I answered this Question the other day. If the hon. Gentleman wants any further information, and will put down a Notice upon the Paper, I shall be happy to give an answer.

Colonel Stanley

ORDER OF THE DAY.

ARMY REGULATION AND DISCIPLINE BILL—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 19th June.*]

Bill considered in Committee.

(In the Committee.)

ARREST AND TRIAL.

Arrest.

Clause 45 (Custody of persons charged with offences).

SIR ALEXANDER GORDON, in moving as an Amendment, in page 20, line 24, after "custody," to insert—

"Provided, That in every case where in time of peace any officer remains in such military custody for a longer period than eight days without a court martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer—if at Home to the Commander in Chief, if in India to the Commander in Chief in India; if in a Colony to the General Officer commanding in such Colony; and a similar report shall be forwarded every eight days until a court martial is assembled or the officer is released from custody. In the case of soldiers a similar report shall be forwarded every eight days to the General Officer commanding the Division or Colony within the limits of which the soldier shall be serving: Provided also, That no officer holding a commission from the Sovereign shall, on account of alleged misconduct, be liable to be suspended, or arrested, from the performance of the duty entrusted to him by virtue of such commission, in any other manner than that which is specified in this Act."

said, he understood from the right hon. and gallant Gentleman the Secretary of State for War that he intended to accept the first portion of the Amendment, and, therefore, he (Sir Alexander Gordon) need only say a few words as to the matter in which they differed. The first portion of the Amendment sought to reimpose the condition that the officer should be brought to trial within eight days. Up till the year 1866 the Articles of War contained a provision that an officer could only be kept under arrest for eight days. In that year the clause was struck out, and the time for which he was to be kept under arrest was left indefinite. The privilege so given had since that time been greatly abused. Officers had been kept two, three, four,

and even six months, without being brought before a court martial, or allowed to know the offence for which they were under arrest. He proposed simply to re-enact the provisions respecting eight days, and to require, if an officer were not brought to trial within that time, that a certificate should be sent at the end of that time, and of every succeeding eight days, to explain the reason. But the part of his Amendment to which he specially wished to call attention was the last four lines, providing that no officer holding a commission from the Sovereign was, on account of alleged misconduct, to be liable to be suspended from the performance of any duties entrusted to him by virtue of such commission in any other manner than that specified in the Act. His object in this Proviso was to put a stop to a practice which had arisen since the present Commander-in-Chief took office, of suspending officers from their duty, instead of placing them under arrest. He knew it was maintained that the suspension of an officer was not recognized, and, that, therefore it need not be legislated for. It was precisely on that ground that he wished Parliament to legislate on the subject, and to express an opinion that this should not be done. He happened to have there an official Order for the suspension of an officer, and he would read it in order to show that this was a practical complaint, and that officers had been suspended from their duty when they really ought to have been put under arrest. The first Order ran as follows:—

"Lieutenant So-and-so will proceed immediately to Blank, in order to take over command of the detachment from So-and-so, who will at once return to head-quarters."

The second Order was—

"Lieutenant So-and-so will immediately join head-quarters, his duties to be taken by Lieutenant So-and-so, pending a Court of Inquiry, which will assemble at 11 a.m. to-morrow."

The third Order was—

"A Court of Inquiry, over which Major So-and-so is presiding, will assemble at 12 o'clock this day."

These were official Orders published to the garrison, and known to all the people of the town where the regiment was stationed. The officer concerned had his character taken away; he was removed from his command; he was brought before a Court of Inquiry;

and then, on investigation, it might be found that there was no ground whatever for preferring any charges against him. A month or six weeks after, he was allowed simply to rejoin his regiment and to resume his duty, and there was no reason given for the public censure he had received or why he was allowed to return to duty. During the remainder of his term of service, however, he was liable to have this brought up against him, and when his turn for employment or promotion came, it might be said to him, "You came before a Court of Inquiry on a certain date, how did you get out of it?" That was often the cause of misconduct and crime. An officer, fretting under an imputation of that kind, felt that an act of injustice had been done him, and he had no redress in place of being brought before a court martial, and receiving a public acquittal in a legal way, which had been the custom up to the last 25 years. He could see no case where an injury was so likely to be done to an officer than under this system. If a man were invalided, or declared sick, or unfit for duty, it was different. He hoped the right hon. and gallant Gentleman the Secretary of State for War would yet be able to give way.

COLONEL STANLEY said, he was glad to accept the greater part of the Amendment. He had no doubt the hon. and gallant Gentleman (Sir Alexander Gordon) would give his consent to alter it in the manner he (Colonel Stanley) would suggest. It was to leave out the words "in time of peace," and to insert, after "any officer," &c., the words "or soldier, not on active service." He would ask the hon. and gallant Gentleman to allow the Question to be put in this form. Then, as regarded the last paragraph, he was sure that the hon. and gallant Gentleman would be going further than he intended in inserting the words "no person should be liable to be suspended," &c. He took, of course, the obvious case which occurred of an officer who was physically incapacitated, although he might not acknowledge that himself. He might be anxious to go on with his duties, even though he was not fit to perform them. Obviously, in such a case, the authorities ought to be able to suspend an officer; but he was informed that there was considerable doubt whether the words pro-

posed by the hon. and gallant Gentleman, if they were placed in an Act of Parliament, would not go further than he himself wished. Another case was where a paymaster, for instance, did not render his account to the Treasury; it would then, unquestionably, be the duty of the General Officer commanding to suspend him. He should be sorry, however, to refuse it; and if the right hon. Gentleman wished, he would accept the Amendment on the understanding that he reserved to himself the right to revise it before the Report.

SIR ALEXANDER GORDON said, he was glad that himself and the right hon. and gallant Gentleman were so much in accord upon the subject; and he just wished to say that, as to the first case suggested, he had himself said he did not propose to extend the clause to an officer who was physically unable from illness to perform his duties, or was incapacitated from performing them, but expressly restricted the provision to alleged misconduct. And then, as to the paymaster, if the paymaster failed to deliver his accounts, that, he imagined, was misconduct; but still, he would not go into the question of the Civil Departments, which were under the War Office, and not under the military authorities.

COLONEL ALEXANDER was very glad the Amendment had been accepted. Not only officers, but men, were very often kept too long under arrest; not from any intention to do injustice, but from mere procrastination. He was quite sure that the Amendment would answer the purpose required.

MR. OTWAY asked, whether it would not be necessary to make a verbal alteration. The officer in command of the troops in India was the Commander-in-Chief, but Commander-in-Chief who was General Commander-in-Chief, which was by no means an unimportant difference.

Amendment amended, and agreed to.

MR. J. BROWN said, the object of the Amendment of which he had given Notice was merely to make more distinct and clear the nature of the powers given to an officer under the clause. These powers were nothing new, but they were something extraordinary, and, especially, the power given to a junior officer to put a senior officer under arrest.

Colonel Stanley

He thought it was very important that they should clearly understand that an officer had that power, whether in uniform or in plain clothes; and, therefore, he begged to move the insertion, in page 20, line 28, after the words "an officer," of the words "whether in uniform or not."

MAJOR NOLAN was not at all certain that the proposal would not complicate the question, instead of clearing it up. It was clearly laid down at present that an officer had just the same authority, whether in uniform or not; and if this matter were pressed too far, the question might arise as to whether an officer was in proper uniform. The effect of uniform merely was to be evidence that a man was an officer. If, however, these words were put in, a man might come out of a crowd and say he was an officer, and the man ordered into arrest would not be able to know whether the case came under the Statute; and he did not think the insertion of the words would answer any purpose. The clause was very clear as it stood, and he did not think the addition was necessary.

COLONEL STANLEY quite agreed with the view of the hon. and gallant Member for Galway (Major Nolan), and thought that they would be trying too much if they inserted these words. After all, the question really was, whether the man knew that the person interfering was an officer or not, and that must always be a matter of proof to be decided on the court martial. It would be perfectly absurd, because an officer was not regimentally dressed—they all knew how particular a distinction might be made—to say that he was not to interpose.

COLONEL ALEXANDER also quite agreed with the view taken. Suppose, after mess, the officers changed their uniform, and adjourned to a billiard-room, where a row ensued. They were not in uniform; but was that to deter the junior officer from being able to put his senior under arrest? That was a case which might very probably occur.

GENERAL SHUTE remarked, that it was perfectly understood an officer was an officer even in his dressing-gown. In case of fire at night or such sudden emergency he might rush out of his barrack-room so attired, and it would be a very great mistake to add these words to the clause.

SIR ALEXANDER GORDON hoped the Amendment would not be pressed; for it was most important that, in a fray, an officer should not be liable to be punished for disputing the order of a person in plain clothes, whom he knew nothing about. The question of officers in a mess-room, dressing-gown or not, was not a case to legislate for. He himself had an Amendment lower down, that an officer should be in uniform before he exercised the powers there given. He did not like the idea of dressing-gowns at all.

MR. J. BROWN always understood that an officer had the power; but, with the permission of the Committee, he would withdraw the Amendment.

MR. PARNELL would not wish the Amendment to be withdrawn under the idea that it was particularly understood that a junior officer in plain clothes was entitled to order his senior into arrest.

MR. BIGGAR thought it would be preposterous that a General in plain clothes, whom nobody knew anything about, should be at liberty to arrest an officer. He thought some badge of authority was necessary.

Amendment, by leave, *withdrawn*.

SIR ALEXANDER GORDON, in moving as an Amendment, in page 20, line 31, after "an officer," to insert the words "if dressed in uniform," said, the rule requiring an officer to obey his junior in a fray was drafted years ago, when officers were always in uniform. So much was that the case, that in the Peninsular War there was not a point more insisted on by the Duke of Wellington than that officers were not only to be in uniform, but were always to wear their swords. He had stated publicly that he would take no part to protect any officer who got into trouble in plain clothes. He was not ashamed to act on these principles still, though he knew it was old-fashioned. It was now not thought fashionable for an officer to wear his uniform, and as they were legislating for the Army, he stipulated in this case that it should only have effect when the junior officer who gave an order to a senior was in uniform. Then the senior would know the responsibilities he incurred if he did not obey. When he joined the Army, officers wore their uniform at mess, and he did not understand the custom that now pro-

vailed of putting on shooting-jackets and dressing-gowns for dinner. He went down to visit a detachment once, and after the day's duties were over, the officer in command still wore his uniform. He thought that it was in compliment to himself, and he, therefore, told him not to keep it on, unless he wished. The officer thanked him, but replied that the fact was he had got no other coat there. That took place a long time ago, when officers were not ashamed to appear in uniform.

COLONEL STANLEY was afraid he must make the same objection to this Amendment that he made to the other. They were putting into a clause that which ought to be matter of evidence before the court martial. The point was not whether the officer was in uniform or not, but whether the other person knew that he was an officer. That was not a matter to be dealt with by a clause, but a question for proof before the court martial. Take the case, for instance, of an officer going to play cricket, and, therefore, of course, not in regimental dress, seeing two of his men fighting. If he interfered, the men might tell him that they knew such conduct was against discipline, but they should not leave off, because he was not in regimental dress. He thought this seemed to be more a point for a court martial than for a Bill.

MR. BIGGAR hoped the hon. and gallant Gentleman (Sir Alexander Gordon) would press the Amendment to a division. He thought officers ought to be proud of their uniform, and he did not understand why they were always so anxious to get out of it as soon as possible.

SIR WILLIAM HARCOURT entirely agreed with the hon. and gallant Gentleman (Sir Alexander Gordon). In his opinion, it would be very much better if officers did wear their uniforms, for the feeling against them arose apparently a good deal too much from what was called "shop," which was very inconsistent with the military spirit. He must point out, however, that the Amendment would really fail to accomplish the purpose in view. The hon. and gallant Gentleman wished to put pressure upon officers to wear their uniform, whereas the effect of his Amendment would be to prevent the very interference which they desired by men not in uni-

form. The real remedy for what his hon. and gallant Friend desired was that there should be some more stringent orders to officers to be more constantly in uniform. The Amendment would not do what was desired, and they really should exercise some pressure in order to require the uniform to be constantly worn.

MAJOR NOLAN pointed out that uniforms were expensive, and that it would be putting officers to a great deal of unnecessary inconvenience if they were always compelled to appear in them. Besides, no man liked to interfere; and, therefore, if only an officer who wore his uniform could interfere, officers would get into plain clothes to avoid the necessity. In his opinion, the present arrangement was by far the best, and he thought the best thing to do was to leave it as it stood.

COLONEL COLTHURST begged his hon. and gallant Friend (Sir Alexander Gordon) to withdraw the Amendment. Things had worked well in the past, and they all hoped they would also do so in the future.

MAJOR O'BEIRNE was also of opinion that it would be no good, for the purposes at which they aimed, to pass this Amendment.

COLONEL ALEXANDER added, that uniforms were so much more expensive than plain clothes, that if an officer had to wear them all the year round, the expense would be three times as great as it was at present.

SIR ALEXANDER GORDON replied, that if officers objected to wearing their uniforms, the remedy was to make them cheap and comfortable. When he was in India, the uniform there was so comfortable that the officers wore it in preference to plain clothes. His object was to prevent the officer or soldier getting into trouble by disputing an order given by a man in plain clothes, and of whom he knew nothing. When he was formerly in command at the Curragh a quarrel occurred between two regiments. The Commander-in-Chief, who was on the ground in plain clothes, rode amongst them, and ordered them to stop; but, as he was in plain clothes, they did not know him, and it was very nearly being an unpleasant business. As, however, his right hon. and gallant Friend did not intend to accept this Amendment, he would not press it.

Sir William Harcourt

MR. PARNELL thought there should be some distinction drawn between the powers of officers to order arrests when they were in uniform and when they were not. Suppose, for instance, two men were fighting. A plain clothes officer interfered, and one of the men struck him. By the Bill, that man would be liable to suffer death. ["No, no!"] Well, Clause 8 said so. Of course, at the time he would be in the execution of his office. They constantly would have cases where the soldier did not know the officer who was interfering, where, in consequence, he would run great risk of being insulted, and where the soldier also would be subject to very severe penalties for misconduct. He had often himself known cases where officers had distinctly refused to interfere, lest they should subject the soldiers to severe penalties, owing to their not being able to judge quickly whether the person who interfered was an officer or not. Besides, the onus of proof in this case was thrown on the negative, which was not fair. A man was asked to prove that he did not know a man was an officer; or, in fact, they asked him to prove himself innocent of an offence of which he had not been shown to be guilty.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, the Amendment, if adopted, would lead to a good deal of difficulty. In the first place, as only an officer dressed in uniform was to put a man under arrest, they would have the question at once arise—What was uniform? At present, an officer could order a man into arrest, whether he was dressed in uniform or whether he was not. Of course, if an officer ordered a man into arrest, and the man did not know he was an officer, and the circumstances of the case were that it was not reasonable that he should know it, that would be taken into consideration in the decision. The whole question would be a question of proof, and all the circumstances, no doubt, would be taken into consideration by the court martial.

MR. OTWAY observed, that there was more in this matter than was supposed by the hon. and learned Attorney General. Had it not occurred to the hon. and learned Gentleman, that uniform was essentially a part of the Military Profession? They never heard of military acts being performed, except in uniform. Therefore, when they had

the very extreme case of a junior officer ordering his superior officer into arrest, they ought to have some guarantee to the officer that the man who was about to treat him in that way had a right to do so. What occurred abroad in this matter was a good example. Whenever a fray took place in France or Belgium, the commissary of police always repaired at once to the place where it was said the crime had been committed; but he always first made himself and his authority respected by putting himself into a sort of uniform. No doubt, it was of a very simple character; but his position was thereby recognized, and an act sanctioned which otherwise would not have been tolerated. What surprised him in this respect was that officers in England were so very different from every other Army in the world. If they went to Austria, Italy, or Germany—and he specially mentioned those three countries—they found the officers invariably in uniform, and they never went even to a place of amusement, or a theatre, or travelled on a railway without wearing it. The fact was, they were proud of their uniform, because it was of a handsome and becoming description. At one time when he was in the Army our uniform was most uncomfortable; for the shoulders were loaded with ridiculous gold scales, with straps to their trousers, and, altogether, the dress was most disagreeable and unpleasant. Now, however, it was a very pleasant dress to wear, and he could not understand why officers did not show themselves more frequently in it than they did. He was not perfectly certain that the recommendation was one which should be altogether disregarded.

SIR WALTER B. BARTELOT said, the hon. Gentleman who had just spoken (Mr. Otway) must know perfectly well that the usual occupations in which foreign officers employed their time were totally different from those in which it was the habit of officers of the English Army to engage. Foreign officers did not shoot, they did not hunt, or play cricket, or occupy themselves with any amusements of that kind. He ventured to think, he might add, that if the hon. Gentleman—the hon. and gallant Gentleman, he might call him, for he had been in the Army—were still in the Service, he would be one of the very first men to lay his uniform aside when off

duty, and when he went outside the barrack-gates. He quite concurred in the opinion that when an officer was on duty he should be properly dressed in uniform, and should, upon all occasions, wear his uniform; but it was entirely opposed to the pursuits of English officers that they should wear uniform when out of barracks. And was it seriously contended, he would ask, that if an officer, on his return to barracks without his uniform, were to find a fray going on, he was not to interfere, although he might be well known to every one of those engaged in it, whom he might deem it to be his duty to put under arrest? In his (Sir Walter B. Barttelot's) opinion, the Committee, in the discussion of the Bill, were entering into too many technical details; and he should like to know from the hon. and gallant Gentleman the Member for East Aberdeenshire (Sir Alexander Gordon), whether he had ever seen an officer doing anything which could be regarded as a grievance of ordering a man to be placed under arrest while out of uniform? If it could be shown that the fact of an officer not wearing uniform was in any way prejudicial to the interests of the Army, then a case might be made out for the adoption of the Amendment; but he (Sir Walter B. Barttelot) challenged the hon. and gallant Gentleman to point out any such grievance as would justify the Committee in accepting it. Failing to do that, it would be better, he thought, that the hon. and gallant Gentleman should leave things as they were, and that officers should continue to be allowed to wear plain clothes when off duty.

MR. RYLANDS would not dispute with the hon. and gallant Gentleman who had just sat down (Sir Walter B. Barttelot) the point whether it was desirable that officers should wear uniform when off duty or not. It would, he dared say, be difficult to find many cases in which inconvenience had arisen from the operation of the Articles of War, which it was proposed by the present clauses to retain; and he quite admitted the force of the objection to modify those Articles by the proposed Amendment. It was not often, in all probability, that an officer desired to put his superior in rank under arrest. It was a very unlikely thing for him to do so without sufficient cause; but the Amendment of the hon.

and gallant Gentleman the Member for East Aberdeenshire (Sir Alexander Gordon) was simply intended to meet such cases if they did arise, and he thought it was only right that when an officer did exercise his authority to put a man who happened to be engaged "in a quarrel, fray, or disorder," under arrest, he should bear with him the signs of the rank which he held.

MAJOR NOLAN said, he recollected having been present on a race-course close to Gibraltar when a fray had arisen in which the Governor of Gibraltar told the officers not to interfere. Now, under the provisions of the Bill, he would have no business to issue such an order; but if the Amendment were carried, the same thing might occur again, and an officer, because he happened not to be in uniform, would be deprived of all authority to put a stop to a disturbance. In the case which he had just mentioned, the Governor was not in uniform, nor were any of the other officers—for no English officer had a right to be in uniform there—but why, he would ask, should they on that account not be permitted to interfere to put a stop to the fray? The Amendment would seem to imply that when an officer was divested of his uniform he was divested of all authority; and he could not, therefore, support it, for if military control were once to be connected with the wearing of uniform the worst results might, in many instances, follow.

COLONEL MURE said, the hon. and gallant Gentleman the Member for East Aberdeenshire (Sir Alexander Gordon), who moved the Amendment, must be aware that it was only in very rare and extreme cases, where there was some gross misconduct calling for his interposition, that an inferior interfered with a superior officer for the purpose of ordering him to be put under arrest. There were few Members of that House who could point to the occurrence of cases of that kind. It was, however, absolutely necessary that when there happened to be a great riot, for instance, an officer should be able to act as a man, and not only as an officer, and that he should be permitted to exercise the power of placing under arrest. It was now the custom for officers, generally speaking, to wear plain clothes; and he would like to ask the hon. Member for Burnley (Mr. Rylands) what he would say, if in

some case of great violence, where possibly a great deal of injury might be done, an officer was not allowed to interfere, because he was not in uniform? Would it not be disgraceful that the violence should be suffered to go on because of any such regulation? Would such a state of things be conducive to the honour of the Army? He hoped his hon. and gallant Friend would consent to withdraw the Amendment, for he did not believe that he thought in his own heart it was one that would work.

SIR ALEXANDER GORDON rose to Order, and asked the Chairman, whether it was competent for one hon. Member to say of another that he had moved an Amendment which he thought in his heart would not work?

THE CHAIRMAN said, the observation of the hon. and gallant Gentleman the Member for Renfrewshire (Colonel Mure) appeared to him to be somewhat out of Order.

COLONEL MURE said, he would gladly withdraw it. He had no intention of imputing anything like insincerity to his hon. and gallant Friend; but he believed his intellect was becoming clouded since he had a seat in the House of Commons. His mind was evidently warped by his sitting on those Benches below the Gangway; and if he were at that moment in command of a regiment, a brigade, or a division, and not a Member of the House, he would be the first to deprecate such a proposal as that which he made, and to say that it would tend to weaken the natural authority which officers ought to possess, and to bring disgrace on the British Army.

COLONEL STANLEY appealed to the Committee to allow progress to be made with the discussion, so that the Amendment might be disposed of as soon as possible. It was, he believed, well understood that no practical difficulty had ever arisen under such provisions as those contained in the clause; and if hon. Members deemed it to be their duty to discuss all the small points in the Bill, and to put forward, on every occasion, their own special views, it would be impossible to pass the present or any other measure through the House within anything approaching a reasonable time. He did not, of course, object to discussion; but, at the same time, he hoped the Committee would not lose sight of the comparative

Mr. Rylands

proportions of the Bill, and that if the hon. and gallant Gentleman the Member for East Aberdeenshire (Sir Alexander Gordon) wished to take a Division on his Amendment, they would allow it to be taken without further delay.

SIR ALEXANDER GORDON said, he had stated some time before that it was not his intention to press the Amendment to a Division. He should like to add, with reference to the speech of the hon. and gallant Member for Renfrewshire (Colonel Mure), that, although he was aware that liberty of speech was sometimes carried to a great extent in that House, yet he scarcely remembered to have heard it carried so far as it had been by the hon. and gallant Gentleman on the present occasion.

SIR HENRY HAVELOCK rose to a point of Order, to which it was not too late, he hoped, to call the attention of the Chairman. He had listened, he must confess, with great surprise to the remarks which had fallen from the hon. and gallant Member for Renfrewshire (Colonel Mure). As he understood the hon. and gallant Gentleman, he had expressed himself as being perfectly certain that the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) knew, in his own heart, that the Amendment which he proposed would not work.

SIR UGHTRED KAY-SHUTTLEWORTH wished to rise to Order. The hon. and gallant Gentleman the Member for Sunderland (Sir Henry Havelock) did not take exception to the observations of the hon. and gallant Member for Renfrewshire (Colonel Mure) when they were uttered, nor did he dispute the ruling of the Chair. He should like, therefore, to know whether it was competent to raise the question of Order now?

THE CHAIRMAN said, the hon. Baronet the Member for Hastings (Sir Ughtred Kay-Shuttleworth) had quite correctly stated what was the practice of the House. Any hon. Member who desired to raise a point of Order was bound to do so at the moment when the alleged violation of Order occurred; but two speeches had since been delivered, and, therefore, the hon. and gallant Member for Sunderland was not in Order in now raising the question. He had not, however, deemed it necessary to stop him from commenting on the observations of which he complained.

SIR HENRY HAVELOCK said, he at once bowed to the decision of the Chairman. He was perfectly aware of the Rule of the House on the subject, and he rose at the moment to take exception to the remarks of the hon. and gallant Member for Renfrewshire (Colonel Mure). The attention of the Chairman was, however, diverted at the time, and it was, of course, impossible for him to see every hon. Member who rose in his place, and another hon. Member happened to be more fortunate in catching his eye. He did not, however, wish to prolong the discussion. He sympathized very much with his hon. and gallant Friend the Member for East Aberdeenshire (Sir Alexander Gordon) in his complaint of the manner in which his Amendment had been met. It was, of course, open to any hon. Member to question the usefulness of any Amendment which might be proposed; but it was scarcely competent to him to impugn the *bona fides* of the Member who moved it. If he had been in the place of his hon. and gallant Friend, he should, as he had done, have placed himself under the protection of the Chair.

MAJOR NOLAN said, that no hon. Member had given more assistance to the Committee in the discussion of the clauses of the Bill than the hon. and gallant Gentleman the Member for East Aberdeenshire (Sir Alexander Gordon), and that he, for one, very strongly objected to the remarks which had been made by the hon. and gallant Member for Renfrewshire (Colonel Mure), and to which exception had been already taken. He did not care very much what might be the opinion of the hon. and gallant Gentleman as to the intellect of those who sat below the Gangway; but he should like to know what law it was that governed the intellect of hon. Members according to the part of the House in which they happened to sit? Did their intellectual power range inversely with the distance, or the square of the distance, at which they sat from the front Opposition Bench. Judging from the tone of contempt which the hon. and gallant Member for Renfrewshire had used, it was evident that the nearer a man got to the front Opposition Bench the more power and authority he could assume.

COLONEL MURE hoped the Committee would bear in mind that he had already

said, the moment his attention was called to the expression which was complained of, that he had no intention whatsoever of imputing anything like insincerity to the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) in proposing his Amendment. If he was not satisfied with that statement, he begged at once to offer him the most ample apology. Having done that, he hoped the Committee would now be allowed to proceed with the Business before it.

MR. O'DONNELL rose to support the Amendment of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon). It was, he thought, for many reasons, desirable that an officer should be in uniform, if he was to exercise the authority of putting a man under arrest. The hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) said it was the custom of officers, when off duty, to wear plain clothes, and proceeded to draw a comparison between the British officer and the officers of foreign Armies. Foreign officers, he pointed out, did not play cricket, did not shoot or hunt, or indulge in several other amusements with which it was the habit of British officers to occupy themselves. But the question was, whether, taking into account what expensive articles British officers and soldiers were, Parliament should not try to induce them to pay more attention to their military duties and less to their society avocations? A foreign officer appeared almost always in uniform, because he was an officer above all things, and he would venture to say that his military character would not be improved if he were to imitate more closely the example of the British officer. In a scientific Army like that of Germany, for instance, the officer lived for his Profession chiefly; and he would point out that to permit British officers to appear, as they did, without uniform, served to furnish another illustration of the broad distinction which was drawn between officers and soldiers in the British Army. A soldier was made to remind one constantly that he was a soldier; while an officer had every facility given him for appearing as a civilian for by far the greater portion of his time.

Amendment, by leave, *withdrawn*.

Colonel Mure

SIR ALEXANDER GORDON moved, as an Amendment, to leave out in page 21, line 12, the words "the proper military authority," and to insert the words "by his commanding officer," instead.

COLONEL STANLEY said, he hoped he had shown, by his acceptance of a previous Amendment, that he was as desirous as the hon. and gallant Member for East Aberdeenshire that a man should not remain untried for any charge which might be brought against him for too long a period. But he would point out that if the words "to his commanding officer" were substituted for "the proper military authority" in the present instance, great inconvenience might be the result of the operation of the clause. A commanding officer might be engaged on a court martial or some other important duty, and a man might have to be kept in confinement until the commanding officer was at liberty to deal with his case. It was desirable, therefore, to save unnecessary delay, that he should be able to direct the officer who was second in command, for instance, to investigate the case.

SIR ALEXANDER GORDON said, that being perfectly satisfied with the explanation of the right hon. and gallant Gentleman, he would not press the Amendment.

Amendment, by leave, *withdrawn*.

SIR ALEXANDER GORDON moved, as an Amendment, in page 21, to leave out lines 12, 13, and 14, and insert—

"His commanding officer, who shall dismiss the charge, and release the prisoner from custody, if he in his discretion thinks the charge ought not to be proceeded with; but where he thinks it ought to be proceeded with, he shall take steps for bringing the offender to a court martial, or, in the case of a soldier, he may deal with the case summarily: Provided, That whenever a court of inquiry is assembled to investigate any matter affecting the conduct or character of an officer or soldier, such officer or soldier shall be entitled to receive a copy of any opinion which may be delivered by such court; and, if the officer who convenes the court of inquiry shall prefer to instruct the court to receive evidence only and not to deliver an opinion, the officer or soldier whose conduct or character has been called in question shall be entitled to demand that the officer who convenes the court of inquiry shall himself deliver an opinion upon the matter which has been the subject of investigation, and a copy of such opinion shall be delivered in writing to the officer or soldier concerned.

"And further, any officer or soldier who, after such investigation, is not fully exonerated from blame or culpability by the opinion of a court of inquiry, or by the officer who convened the court, shall be entitled to demand that he shall be placed upon his trial before a court martial, in order that the matter which had been the subject of investigation by the court of inquiry may be inquired into by a court competent to receive evidence upon oath, and of which the members composing it are themselves bound by the sanctity of an oath."

He looked upon the Amendment, he said, as being a very important one. The subject of Courts of Inquiry had already been very fully debated in the course of the discussions on the Bill; and it was, therefore, unnecessary to say very much more with respect to it. He must express a hope, however, that the right hon. and gallant Gentleman the Secretary of State for War would see the expediency of acceding to the substance of his Amendment, even if he found himself unable to agree to the exact words. It proposed a change which was very greatly demanded by officers, and he was very anxious that it should have been brought under the consideration of the Select Committee last year. The hon. and learned Chairman the Member for Oxford (Sir William Harcourt), however, pointed out that it was outside the Instructions of the Committee, and they did not, therefore, go into it. Several officers, however, had spoken to him on the subject, and he had asked them to give evidence before the Committee with regard to it; but they begged to be excused, saying that the proposition which he now embodied in his Amendment was not one to which the authorities either at the War Office or the Horse Guards were favourable. The Commander-in-Chief had given evidence that Courts of Inquiry were useful in cases where proof was difficult. But those cases, he contended, in which, in the investigation before a Court of Inquiry, proof was found to be difficult, were the very cases which ought to be submitted to a court martial.

THE CHAIRMAN wished to point out to the hon. and gallant Gentleman that there was nothing in the clause before the Committee relating to Courts of Inquiry. It was a clause which had reference simply to the custody of persons subject to military law when charged with offences. Although, therefore, the hon. and gallant Member might be in Order in moving the first part of

his Amendment, if he thought proper, the second part ought to be moved as a separate clause.

COLONEL STANLEY said, it would, perhaps, save the time of the Committee if he were to state that he intended, in a subsequent clause, to propose an Amendment which would show that there was no very serious difference of opinion between the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) and himself with respect to some of the points involved in his Amendment.

SIR ALEXANDER GORDON said, he was quite satisfied to wait until the Committee came to the clause to which the right hon. and gallant Gentleman referred, and would not press his Amendment.

Amendment, by leave, *withdrawn*.

SIR ALEXANDER GORDON moved, as an Amendment, in page 21, at the end of Sub-section 4, to insert the following words:—

"And a copy of such 'account in writing' shall, at the same time, be given to the officer, soldier, or other person, so placed in military custody, if he desire to have it."

As matters now stood, a man might be kept in custody for weeks and months, and that was a grievance which ought, he thought, to be redressed. He hoped, therefore, the right hon. and gallant Gentleman the Secretary of State for War would agree to the Amendment.

COLONEL STANLEY said, he was afraid the Committee would be going too far if they were to agree to the introduction of the proposed words into the Bill, because it was proposed to deal with those matters of regulation. He should like to know whether, in the case in which a number of prisoners were in custody for any offence, the hon. and gallant Member meant that the depositions were to be taken down in writing, and that each prisoner was to be furnished with a copy, if he wished to ask for it? He quite admitted that in a very serious case that might be a right thing to do; but an "account in writing" merely corresponded to what was known as "the charge-sheet" in the police force, and it might, in some instances, mislead. He saw what the hon. and gallant Gentleman had in view, and he would see whether he could not deal with the matter on the Report.

SIR ALEXANDER GORDON said, he was satisfied with the assurance of the right hon. and gallant Gentleman, and would not press his Amendment.

MR. A. H. BROWN pointed out that under the operation of the clause, as it was drawn, an officer who might not himself be subject to military law, as provided by the 166th clause, would have the power of arresting a superior officer whom he found "engaged in a quarrel, fray, or disorder." Now, an officer should not, in his opinion, have that power, unless he himself was subject to military law.

COLONEL STANLEY said, he would consider the point.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Power of Commanding Officer.

Clause 46 (Power of commanding officer).

SIR ALEXANDER GORDON moved, as an Amendment, in page 21, line 16, to leave out "the" and insert "a" before the words "commanding officer." He was of opinion that it was not desirable to restrict the power of dismissing a charge to the commanding officer of a regiment.

COLONEL STANLEY explained, that the word "the" was inserted in the clause in order not to give too wide a power of dismissing charges.

SIR ALEXANDER GORDON said, the right hon. and gallant Gentleman had rightly divined the intention of the draftsman of the Bill, which was clearly to restrict; whereas he (Sir Alexander Gordon) wished to extend the protection afforded by the Bill. Every officer who had another officer under him was a commanding officer.

Amendment *agreed to*; word *substituted* accordingly.

SIR ALEXANDER GORDON moved, as an Amendment, to leave out in page 21, line 16, the word "may," and to insert "shall." His object was to make it compulsory on a commanding officer to dismiss a charge, if, upon investigation, he thought it was one which ought not to be proceeded with.

SIR WILLIAM CUNINGHAME pointed out that in all Acts of Parlia-

ment the words "may" and "shall" had nearly the same force.

SIR ALEXANDER GORDON said, the word "may" in the clause applied to the word "dismiss," and that he proposed to substitute for it the word "shall," so that an officer might have no discretion but to dismiss a charge, if he was of opinion that it was one which ought not to be proceeded with.

COLONEL STANLEY said, he had no objection to the Amendment.

Amendment *agreed to*; word *substituted* accordingly.

COLONEL STANLEY wished, with the permission of the Committee, to call the attention of the hon. and gallant Member for Sunderland (Sir Henry Havelock) to an Amendment which stood on the Paper in his name, and which had for its object to reduce the number of days' imprisonment which it would be in the power of commanding officers summarily to inflict under the operation of the clause, from 21 days to seven, for every class of offence, except absence without leave. He was prepared to accept the principle of that Amendment; and it had always been his intention to impose a limit in the matter of regulation, although he thought it desirable, in the first instance, to set forth the number of days which was not to be exceeded, as was done in the Bill. He had already stated to the Committee the reasons which had induced him to give the commanding officer what, he admitted, was the extensive power of sentencing a man to imprisonment for 21 days with or without hard labour; but he never meant that that power should be exercised in every instance. It should be borne in mind that a great number of the cases which would come under the operation of the clause were cases in which, so to speak, the facts proved themselves; and it would, he thought, be a very fair compromise, if the power of the commanding officer were left, as now, to inflict 21 days' imprisonment for the offence of absence without leave, the power in other cases being limited to the infliction of seven days' imprisonment. Absence without leave was an offence which proved itself, for if a man was not present when the roll was called, there could be no question about the fact of his absence. In those circumstances, it would, he

thought, be perfectly safe to leave the power of imprisonment for that offence for 21 days in the hands of the commanding officer; but he wished it to be distinctly understood that the question involved in the clause was one which it was fully intended should be dealt with by regulation.

SIR HENRY HAVELOCK said, that if he was not mistaken as to the views of the right hon. and gallant Gentleman, they coincided with his own in the matter, and that if the substance of the Amendment which he intended to propose was such as he had stated, he could not have the slightest objection to its being moved instead of that which stood on the Paper in his own (Sir Henry Havelock's) name.

THE CHAIRMAN said, the more convenient course would be that the hon. and gallant Member for Sunderland (Sir Henry Havelock) should move his Amendment. If he did not wish to press it, it might be withdrawn, and the Amendment which the right hon. and gallant Gentleman the Secretary of State for War intended to substitute in lieu thereof could be inserted in the Bill later on.

SIR HENRY HAVELOCK moved, as an Amendment, the insertion in page 21, line 24, after the word "shall," of the following words:—

"If he be not under the rank of field officer, or if under that rank, if he be in temporary command of a battery of artillery, a regiment of cavalry, or a battalion of infantry, for the offence of absence without leave."

There was also, he said, another Amendment which stood on the Paper in his name, which it had been his intention to propose in line 27, and the object of which was to limit the power of the commanding officer to inflict summarily the punishment of imprisonment to imprisonment for a period not exceeding seven days for any other offence than absence without leave, in which case, he thought, the power should be extended to 21 days for the purpose of diminishing the number of courts martial. He might be permitted to refer to a Question which he had the honour of addressing to His Royal Highness the Commander-in-Chief when he was examined before the Committee up stairs.

MR. PARNELL rose to Order. He wished to know whether the hon. and gallant Gentleman was entitled to enter

into a discussion with regard to an Amendment which was not immediately before the Committee, and which stood some way down on the Paper?

THE CHAIRMAN said, he did not think the hon. and gallant Member was out of Order in supporting the Amendment which he had moved by reference to another which he had proposed to move in line 27.

SIR HENRY HAVELOCK said, his object was to limit the power of the commanding officer, as he had pointed out, except in cases of absence without leave, which, as the right hon. and gallant Gentleman the Secretary of State for War had very properly stated, proved themselves. In the answer which had been given by the Commander-in-Chief to the Question which he had put to him on the occasion to which he was referring, when he was interrupted by the hon. Member for Meath (Mr. Parnell), and which was whether, in the opinion of his Royal Highness, any practical inconvenience had been experienced up to the present time by the limitation of the power to the infliction of imprisonment for not more than seven days, His Royal Highness said that the number of courts martial was reduced thereby, and that that was an advantage. That being so, and there being no reason to think that any practical inconvenience resulted now from the limitation of the power, it struck him, he must confess, as being somewhat of an anomaly, that provision should have been made in the Bill for increasing the power three-fold. On the understanding, however, that the Amendment which the right hon. and gallant Gentleman opposite (Colonel Stanley) intended to propose would limit the power of summarily awarding the punishment of imprisonment to a period not exceeding seven days, except in the one particular class of cases which he had mentioned, he should be happy to withdraw his Amendment.

COLONEL STANLEY said, he was anxious, if possible, to make the matter clear to the Committee. He did not wish to accept the Amendment of the hon. and gallant Gentleman the Member for Sunderland (Sir Henry Havelock) in the sense of putting in the Bill what was a matter of regulation. What he proposed to do was to leave out the word "twenty-one" in line 26, and

then, in line 35, to insert a separate paragraph, providing that in the case of absence without leave the commanding officer might award imprisonment with or without hard labour for any period not exceeding 21 days. If that were agreed to, the commanding officer would, in dealing summarily with other offences, be exactly in the same position as that in which he now stood.

SIR HENRY HAVELOCK was quite willing to accept the Amendment suggested by the right hon. and gallant Gentleman, which, he believed, would fully carry out the object which he had in view. He thought, however, that the matter might be made still clearer if, in the proposed Amendment, the word "only" were inserted after the words "in the case of absence without leave."

COLONEL STANLEY said, he would have no objection to make that alteration.

Amendment, by leave, *withdrawn*.

MR. J. HOLMS said, the discussion which had taken place had shown both the importance of the clause itself, and the necessity for its rectification. He understood the main object of the clause was to give to commanding officers greater powers than those which they at present possessed, in order to get rid of the great number of courts martial which it was found necessary to hold under the Act now in force. But it was, in his opinion, necessary to define a little further the powers to be given to commanding officers. For, with regard to the extension of power, although he considered it to be a move in the right direction, so far as commanding officers were concerned, he could not but think it wrong that these increased powers should be intrusted to subalterns. He therefore trusted the right hon. and gallant Gentleman the Secretary of State for War would take the matter into his serious consideration, and endeavour to schedule the special judicial powers which were to be given to particular officers with a view to their clearer definition. In the German Army, the amount of punishment which each particular officer could award under the special judicial powers given to them was clearly defined. For instance, the officer commanding a company, battery, or squadron had the power of dealing with non-commissioned officers and pri-

vates to the extent of awarding eight days' open arrest, five days' medium arrest, and three days' close arrest. Then, the officer commanding a battalion had extended powers, and could award 14 days' open arrest; 10 days' medium arrest, and seven days' close arrest; while the powers of the colonel of a regiment were still more extended. He ventured to suggest that we should have in our Army some scale of a similar character, clearly and precisely defining the special judicial powers to be exercised by officers of each particular rank. He therefore begged to move the Amendment standing in his name—namely, in page 21, line 24, to leave out from "summarily" to "An" in line 36, in order to insert—

"(a) An officer commanding a company, a troop, or a battery, may exercise special judicial powers to the extent set forth in Schedule. . . . of this Bill;

"(b) An officer commanding a battalion may exercise special judicial powers to the extent set forth in Schedule. . . . of this Bill;

"(c) An officer commanding a regiment may exercise special judicial powers to the extent set forth in Schedule. . . . of this Bill;

"(d) Officers of superior rank to the foregoing may exercise judicial powers to the extent set forth in Schedule of this Bill."

COLONEL STANLEY said, he was not in a position to advise the Committee to accept this Amendment, as it would have the effect of adding to the slight difficulties which already existed. It was well known that there were simply two existing powers—first, that exercised by the commanding officer; secondly, that delegated by him to be exercised by officers commanding companies. He could not see what advantage would be gained by scheduling the various powers in question; and as the whole system referred to by the hon. Member was, besides, foreign to the ways of the Service, he trusted that the Amendment would not be pressed.

MR. PARNELL pointed out that there were very strong grounds for the inquiries of the Committee being extended in the direction suggested by the hon. Member for Hackney (Mr. J. Holms). When the Committee appointed last year to consider the whole question of Army Discipline was sitting, none but the cut-and-dried evidence supplied by the War Office was laid before it; while the Members of the Committee had not sufficient time at their disposal to call independent wit-

Colonel Stanley

nesses. He, himself, had moved that the deliberations of the Committee should be prolonged for that purpose; but, owing to the lateness of the year, the Motion—which was not, for that reason, very much to the taste of the Committee—was withdrawn. Had the hon. Member for Hackney been able to call witnesses, he would have fortified himself with arguments which he (Mr. Parnell) believed would have gone a very long way to induce the Committee to accept his Amendment. The Amendment was one which was, to a certain extent, demanded by the necessities of the Service, for the Queen's Regulations showed that something of the kind was needed. They were dealing with a very old Mutiny Act that had come down almost from time immemorial, many sections of which, and of the old Articles of War, had been almost word for word put down in the present Bill; therefore he thought that the customs handed down to us should not be too blindly followed by the Committee. It appeared to him that if the Queen's Regulations gave authority to commanding officers to delegate their powers to inferior officers, the Committee should clearly understand why it was not right that such powers should be delegated by Parliament. He did not, however, think the Committee would be able to investigate the point on that occasion. If, therefore, the right hon. and gallant Gentleman would consider the matter before the Report, he would suggest that the hon. Member for Hackney might withdraw his Amendment.

MR. RYLANDS considered there were strong arguments in favour of an Amendment of this character. As he understood the clause, the powers of a commanding officer might be exercised by a lieutenant in charge of a company. He held in his hand a Memorandum written by a colonel, holding at the present moment that rank in the Army, which said—

“Considering that this power is to be exercised by any sub-lieutenant, it is a very dangerous power to give to any man of that rank.”

And it went on to remark—

“In view of the idiots sometimes to be found in the command of regiments, it is a very dangerous power.”

COLONEL STANLEY pointed out to the hon. Member for Burnley (Mr.

Rylands) that he had already stated that the whole question was to be reviewed, and the clause in this respect modified.

MR. J. HOLMS regretted very much the way in which the Secretary of State for War had replied upon the Amendment, and trusted that the Committee would consider the question a little further. He (Mr. J. Holms) had rejoiced to see the 21 days' imprisonment which stood in Sub-section (a), because he believed that it would get rid of the necessity for a great many courts martial; but the Amendment put down by the Secretary of State for War minimized that advantage by reducing the number of days' imprisonment in cases summarily dealt with to seven. He held that, undoubtedly, at the present moment, a more defined responsibility was required with relation to officers in the Army, and that the Committee should settle some means for ascertaining their powers, whether it be upon a foreign system or not. He could not see that the mode of dealing with this question as suggested by him was in the slightest degree objectionable. On the contrary, the fact of its having been drawn from that nation which understood military matters so well was a strong argument in its favour. Therefore, he again urged that the right hon. and gallant Gentleman should schedule the powers to be given to each particular officer; and if he could not give an assurance that the matter should be considered, he should be obliged to take the sense of the Committee upon his Amendment.

Amendment negatived.

COLONEL ALEXANDER moved, as an Amendment, in page 21, line 26, after the word “labour,” to insert “in the case of the offence of absence without leave.”

COLONEL STANLEY pointed out that absence without leave was dealt with in a proposed Amendment to the clause standing in his name.

Amendment, by leave, withdrawn.

COLONEL STANLEY moved, as an Amendment, in page 21, line 26, to leave out “twenty-one,” and insert “seven.”

Amendment agreed to; word substituted accordingly.

MAJOR NOLAN said, that the 15 Amendments proposed to the clause, all of which treated of different subjects, had made it rather difficult for the Committee to understand its exact position. It appeared that the 21 days' imprisonment in Sub-section (a) had been struck out, and seven days inserted instead; that, of course, covered his first Amendment. But he had another Amendment, which came immediately after it—namely, to insert after "twenty-one days,"

"For absence without leave, provided that a number of days greater than that for which the offender has been absent is not awarded and for all offences other than absence without leave may award seven days."

And the right hon. and gallant Gentleman the Secretary of State for War had another Amendment coming on which confined the 21 days' imprisonment to the offence of absence without leave, so that a commanding officer might award 21 days' imprisonment for an absence of one or two hours. That was a power which he did not think ought to be in the hands of commanding officers. It was believed by some that this power would save a great number of courts martial; but there were, in 1877, only 99 courts martial in which imprisonment was awarded for absence without leave. He would suggest to the right hon. and gallant Gentleman to go a little further, and in some way limit this power of giving 21 days for this offence. Although he could not regard an absence of 48 hours as a very terrible offence, he admitted that an absence of three days became more serious, and thought that the Secretary of State for War should propose an Amendment leaving the power of awarding seven days for absence without leave to commanding officers.

COLONEL COLTHURST wished to bring under the consideration of the Committee the possibility of extending to absence without leave the fines now exacted in cases of drunkenness. Drunkenness was at present punished by a scale of fines varying from 2s. 6d. to 10s. each, and the Queen's Regulations treated absence without leave and drunkenness in the same way; and, in nine cases out of ten, it was the cause of the latter offence. He thought that if this crime could be diminished, it

would be more satisfactory than extending the powers of commanding officers. At present, a man sentenced by the commanding officer to 14 days' imprisonment lost 7s. and his comrades had to do the duty for him; but by the Amendment which he desired to see adopted, the man would have to do his duty, and be fined 7s. as well. He trusted the Secretary of State for War would accept the proposal which stood in his name—namely, in page 21, line 28, after "drunkenness," insert "or absence without leave."

COLONEL STANLEY admitted that the Amendment was one likely to effect a very considerable improvement, and he was willing to accept the words, provided, of course, that the fine was left optional with the commanding officer. By the 134th clause, "absence without leave," *ipso facto*, carried with it forfeiture of pay.

MAJOR NOLAN contended that the system of fining soldiers was a dangerous one, and denied that having entered into a definite engagement with our soldiers it could be fairly and honestly broken. By the accumulation of fines, a large number of men were made desperate and anxious to be discharged with ignominy. If he wanted to know who were the men scheming to be discharged from the Army with ignominy, he should look to the accounts of the men who were fined for drunkenness, and had a number of fines accumulating against them. The number of men annually discharged with ignominy from the Army amounted to the serious total of 2,000. He doubted that we had the right to stop the pay of the men, and make them do their duty as well. Such an act would certainly not be looked upon as fair in private life, and would be likely, in his opinion, to lead to dangerous results in the Army. If he could have found a Teller, he would have divided against the Amendment.

COLONEL ALEXANDER pointed out that when the system of fines was first instituted in the Army, the fine by a commanding officer for drunkenness involved an entry in the regimental defaulters' book, and subjected the offender to the loss of the good-conduct badge; but an important alteration took place about two years ago, and the fine did not now involve any such entry in the defaulters' book.

EL COLTHURST, in view of the opinion of the Committee, asked leave to withdraw his Amendment. He placed the disposal of the right hon. and gallant Gentleman, so that if he thought any he could bring it up on

Amendment, by leave, *withdrawn*.

O'BEIRNE said, that this treating absence without leave drunkenness, had, to his knowledge, led to desertion. A man who to be unjust naturally left the for one where the practice did

Originally, the fines exacted from men were given back in the gratitudes, when they left the ; but that had, under the short-service system, been done away with. It, therefore, came very heavily upon men, and he begged to move the highest fine of 10s. be reduced

COLONEL STANLEY failed to see the effect by a result of the short-service system could be held to be a ground for punishing a drunken man pay 3s. less of fine. He did not think the system excessive. He agreed that there would be more similarity in the punishment; but that was a matter which should not be gone into then.

IGGAR considered the fine of 10s. amounted, in the case of a man, to four week's income, was too

ARNELL thought the course of the Courts of Summary Jurisdiction in cases of drunkenness might very well be allowed. People fined by these Courts had an opportunity of earning money to pay the fines easily, so that the punishment hardly amounted to anything at all; but the case of a soldier was different; he had no such opportunity of earning money, and it was, therefore, manifest that the scale in use in the Courts of Summary Jurisdiction should not be exceeded. He thought the right hon. and gallant Member for the Division (Major O'Beirne) taken 5s. as a standard, it would have been very high. He hoped the Secretary for War would re-consider the matter, and agree to reduce the fine to 7s.

O'BEIRNE said, it ought to be brought into consideration that the men were to receive gratitudes whatever after three

years' service, and the fines, consequently, fell upon them very heavily. The right hon. and gallant Gentleman had not noticed this point, which was a very important one. The men on short service got back none of these amounts, which went into a fund, out of which soldiers on long service received allowances. He thought that the system should be altered, and that the short-service men were entitled to share in the fund, if they had behaved themselves well.

COLONEL STANLEY said, the question of the destination of the fund arising out of the fines had been recently under the consideration of the Under Secretary of State for War. The Committee were not then dealing with the destination of the fund, but with the fines upon drunkenness. This system, which had resulted from the recommendation of a powerful Committee, had, as far as he was aware, with one or two slight defects, been working, on the whole, very well.

COLONEL COLTHURST said, there were men in the Army who could not help getting drunk, and who, spending their whole time in prison, left their comrades to do their work. It was necessary, he thought, to consider the good soldier, as well as the bad soldier; and the system of fines had the effect of reducing the number of these drunken fellows, by taking away the money which they would otherwise spend in drink. There was nothing which a good soldier felt more than having to do duty for these drunken and useless men. It was to be borne in mind that the fines for drunkenness were upon a graduated scale. For the first two offences a man was admonished; for the next he was fined 2s. 6d.; for the fourth offence, 5s.; for the fifth, 7s. 6d.; and after that, 10s. He trusted his hon. and gallant Friend (Major O'Beirne) would withdraw his Amendment.

MAJOR O'BEIRNE said, as the Committee did not appear to wish to go to a Division, he was willing to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

COLONEL ALEXANDER, in moving, as an Amendment, in page 21, line 35, after officer, to insert—

"And to forfeit his pay for any day or days, not exceeding five, during which he shall have been absent without leave,"

said, that the 174th Article of War, which was not embodied in this Bill, provided that—

“Any soldier shall be liable, at the discretion of the commanding officer, subject, however, to right of appeal, to forfeit his pay for any number of days not exceeding five, for which he shall be absent without leave.”

This was very important, because, as he had already pointed out, a soldier in that way sentenced by the commanding officer to stoppage of pay was subjected to a regimental entry. It was, therefore, necessary to know whether the commanding officer was to have both the power under the 174th Article of War, and that under the Sub-section (c) of the present clause?

COLONEL STANLEY said, that the stoppage of pay was made *ipso facto* for the time the soldier was absent, under the 174th Article of War; but it was now to be awarded by the commanding officer. He did not know where the law was laid down; but it had been the custom from time immemorial that where a soldier was absent from 4 o'clock on one day until 3 o'clock next morning, two days' pay might be stopped, and it was thought better, on revising the Bill, to make it clear that the soldier should forfeit his pay for the time for which he was absent. But it was provided, in Clause 135, that the commanding officer might restore him any portion of the deduction which he might think fit.

MR. PARNELL wished to ask the right hon. and gallant Gentleman the Secretary of State for War with reference to Sub-section (b) of this clause, whether it re-enacted the substance of the 77th Article of War? The Article of War in question gave a power to levy fines which should not exceed 4s. a-day, whether imposed by a court martial or by a commanding officer. That provision did not appear in the present clause, which only enacted that the fine should not exceed 10s.

THE CHAIRMAN said, that the hon. Gentleman was not in Order in referring to Sub-section (b), which had been already passed.

COLONEL ALEXANDER said, that it was a very important matter to deprive a soldier of his good-conduct pay. It ought to be specified that absence without leave did not necessarily carry with it a regimental entry. If his right hon. and gallant Friend could give him an

assurance upon the point, he should be happy to withdraw his Amendment. A commanding officer did not necessarily sentence a man to lose his pay for absence without leave; perhaps, for three convictions for absence without leave, a commanding officer would stop a man's pay for two or three days; then an entry was made in the regimental defaulter book, and if a man were in receipt of good conduct pay he lost that. It appeared to him that an injustice would be inflicted, if a soldier should be made to forfeit his pay as a matter of course on conviction for absence without leave.

SIR ALEXANDER GORDON did not think that a soldier absolutely lost his pay under the circumstances mentioned. He did not understand that that was the effect of the Amendment.

COLONEL STANLEY said, that if a soldier was absent without leave he did not necessarily lose his pay. A commanding officer, if he chose, might sentence him to forfeit his pay—to order, in fact, that he should not be paid for the time he had been absent. If a man were absent from his regiment and neglected his duty, it was only fair that he should lose his pay for the time he was absent. Clause 135 gave power to a commanding officer to remit the whole or any portion of any deduction of pay in any case where it might seem to him to be just. He might say that he followed the point of the hon. and gallant Gentleman behind him (Colonel Alexander), although, as the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) said, it did not follow, as a matter of course, that the pay would be stopped, for a commanding officer could remit the deduction. He fully agreed that it was right that there should be some power to remit a deduction if a commanding officer did not think the case was one which made it necessary that the pay should be stopped. Although a soldier technically forfeited his pay, it was in the power of his commanding officer to remit the deduction. With respect to good conduct pay, that was a matter which depended upon the Royal Warrant, and that case did not arise under the Bill.

COLONEL ALEXANDER said, he would beg leave to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Colonel Alexander

MR. J. BROWN wished to point out that the clause did not provide for the case of an officer being in charge of the wings, nor an officer in charge of head-quarters, nor did it seem to him that the case was met by the Amendment. An officer in charge of the wings probably would not be the commanding officer of the regiment, and while in charge of the wings he ought to have the power of exercising the punishment provided by the clause; also an officer left in charge of head-quarters, at any time, would be fit to exercise the powers given to him by this Amendment.

COLONEL STANLEY said, that he had already given a promise upon this point to the hon. and gallant Member for South Ayrshire (Colonel Alexander), and he would repeat that he would consider the point with reference to half-battalions. There was a great deal of difficulty in providing for all the cases; but he would endeavour to put the matter on a thoroughly satisfactory footing. He might say that he should not like to go beyond the rank of field officer in the extension of this power. If the hon. Gentleman would be good enough to remind him of the matter on another occasion, he would endeavour to meet the case.

MAJOR O'BEIRNE was opposed altogether to the extension of the powers of commanding officers. The men were much more satisfied when they were punished by the sentence of a court martial than by an individual. Giving the power to a commanding officer was only to avoid the extra trouble of calling a court martial.

On the Motion of Colonel STANLEY, the following Amendment was made:—In page 21, line 35, insert as a separate paragraph—

"In the case of absence without leave, the commanding officer may, if he is not under the rank of field officer, or if under that rank is in temporary command of a battery of artillery, a regiment of cavalry, or a battalion of infantry, award imprisonment with or without hard labour for any period not exceeding twenty-one days."

MR. A. H. BROWN wished to draw the attention of the Committee to the Amendment which he proposed to move. Under certain circumstances, this clause would apply to Volunteers who might be subject, for the time being, to mili-

tary law. It was, therefore, most necessary that the clause should be carefully scanned with regard to its bearing upon Volunteers. He was aware that they were then only dealing with the extended powers of a commanding officer in the case of absence without leave. The extension of the power of a commanding officer appeared to have been drawn from the recommendations of the Royal Commission upon courts martial. But the recommendations of the Royal Commission went further, for they proposed to extend the powers of a commanding officer in the case of all offences to a sentence of imprisonment for 21 days. To that recommendation he was entirely opposed. Camps of instruction were now formed, and Volunteers were subject to discipline. A Volunteer who went into those camps did so under the impression that he could rid himself of all his obligations to the Service after the expiration of 14 days, and this new law was to be put upon him, which would take away his right to resign at the end of that period, for a commanding officer had power given him to put him in prison for 21 days if absent without leave. Of course, he did not for one moment stand up in favour of any man who was absent without leave; but they must consider most carefully the effect that this provision would have upon Volunteers. They should not have such provisions as would make Volunteers afraid to go into camps of instruction. If the power was given to send Volunteers to prison for 21 days by the sentence of a single officer, he believed the effect would be that Volunteers would not be so ready to go into camps of instruction as they were at present. It was the object of all commanding officers to get Volunteers into camp, and he thought the provision would interfere with that which they wished to do. He did not think the same effect would be produced if power were given to the commanding officer to award imprisonment for 14 days only; for every Volunteer knew that he was subject to military law for the period of 14 days. This provision had been made, no doubt, with reference to the interests of the Army; and so far as the Army was concerned, he gathered from the opinions of the Committee that it was accepted; but as regarded Volunteers, he could not accept the clause, and felt bound to rise to protest against

it. He thought it would interfere most materially in the formation of these camps of instruction; and, however much they might wish for the discipline of the Volunteers to be increased, on the other hand, they must remember that they were not an entirely military Force, but were only a *quasi*-military Force. This power of imprisoning a man for 21 days, because he happened to be absent from the camp for three or four hours, would, he thought, be considered by many Volunteers to be a very heavy penalty. In active service it was, no doubt, well to have such a provision as this; but in time of peace he could not see that it was necessary in the case of Volunteers. He moved, in line 5 of the Amendment just made by the right hon. and gallant Gentleman, "to leave out "twenty-one" and insert "fourteen."

COLONEL STANLEY hoped that the hon. Member would not press his Amendment. It was admitted on all hands that 21 days was not an excessive period. With regard to the fears of the hon. Gentleman as to the Volunteers, he (Colonel Stanley) thought that it was a very unlikely thing that any Volunteer would so commit himself as to require this punishment to be awarded to him. He must also take into consideration that a commanding officer, in dealing with such a matter, would probably not exercise the full powers given him, nor would take any steps which would raise doubt or difficulty. But he would base his objections to the Amendment of the hon. Member on a broader ground. He had every reason to believe that the Volunteers were anxious, when they took upon themselves these military duties, to accept them upon the same terms as the soldiers by whose side they served. He defended the opinion which he expressed earlier upon the Bill; for though the hon. Member, no doubt, spoke from good information, yet he might not be aware of the representations which had been addressed to the War Office from many quarters. There was a general feeling that the Volunteers were anxious to accept the full liability and the full restrictions of soldiers when they went into camp with the Regular troops. He trusted the hon. Member would not insist upon his Amendment.

SIR ALEXANDER GORDON did not see his way to accept the clause which

they were now upon, for it seemed to him to be perfectly unworkable. It did not provide for many cases which were constantly occurring in different parts of the world. In India, and in the Colonies, where regiments were broken up, the clause would be inapplicable. Sometimes companies were under the independent command of captains; and sometimes not more than two or three officers and the commanding officer, with one company, might be present with the Colours at head-quarters, while the bulk of the regiment might be hundreds of miles away. He was opposed to this extension of the power of imprisonment to 21 days; he had an Amendment to substitute 14 days, which he withdrew in favour of another for seven days. It seemed to him that 21 days' imprisonment was too much. Supposing there was a case of misunderstanding—a man might be at a distance from head-quarters and the means of communication might be uncertain, and he did think that this clause gave a commanding officer great extension of power, which was quite unworkable.

MAJOR NOLAN thought that this power of imprisonment ought to be limited in some way. There were several ways in which the clause might be amended, one of which was to give a power to award seven days' imprisonment for absence without leave of, say, for five days. The power ought to be limited by providing that the number of days' imprisonment should not exceed the time during which the soldier had been unwarrantably absent. If that were done, a man would know at once what punishment he might expect to receive. Graver cases of absence without leave could be dealt with as a matter of course by a court martial. He thought, however, that a punishment of 21 days being placed in the hands of one man, without restriction, was too great a power. It was said that a hard case made bad law; but a commanding officer might consider that a man required some punishment for other offences which he was supposed to have committed; and, therefore, if he were absent for only one day, he might sentence him to the full period of imprisonment for 21 days.

COLONEL STANLEY said, that the matter to which the hon. and gallant Member for Galway (Major Nolan) had

referred could be met by regulation, if found to work harshly. It appeared to him, however, that there might be circumstances in which one day's absence might be punished too severely, and the case of absence for over seven days could be dealt with in another way. He was disposed to accept some limitation such as that proposed, and was willing either to put the words in then, or to consult with his advisers with regard to doing so.

MR. HOPWOOD wished to say a word or two in support of the Amendment of the hon. Member for Wenlock (Mr. A. H. Brown). The right hon. and gallant Gentleman the Secretary of State for War had expressed an opinion that the Volunteers were anxious for the enforcement of further discipline. He ventured to say that the representations which had been made to the right hon. and gallant Gentleman must have emanated entirely from the officers of Volunteers. He believed that the officers of Volunteers were very much in favour of obtaining military power, and of having some such means of punishing those under their command as were usual in the Army; they were anxious to extend the little power they had at present, and to make it very much more. He ventured to suggest that if that were done it would be a very dangerous course to pursue in relation to the Volunteer Force. The Volunteers were unduly praised by some people; while, on the other hand, other persons unduly depreciated them. He assumed that the right hon. and gallant Gentleman thought highly of the Force; but the way in which he was now going to treat it was by imposing upon it penalties which did not at present exist by law. He was not going into a legal argument upon the matter; but it was his conviction that further legislation on this point was of extremely doubtful utility. He thought that it was a matter of great doubt whether the Military Act ought to be applied at all to Volunteers, although brigaded with, and acting with, the Regular Forces. At the present time, there was great doubt upon the Acts relating to the matter, as to the extent to which Volunteers could be punished; and it was sought by the present Bill to settle and extend the powers to punish Volunteers under certain conditions of service, and to place them on

the same footing as the Regular soldiers. By the terms of his engagement, a Volunteer was entitled to rid himself of it by a fortnight's notice; but here they were proposing to inflict a punishment for various offences which would extend beyond that period. The right hon. and gallant Gentleman alleged that he had learned from the Volunteers that they were disposed to submit to all these matters. To that he (Mr. Hopwood) answered that if the Bill were passed all the liabilities which a man would undertake on entering the Service ought to be drawn to his attention, and to be publicly exhibited at the places of drill of the various corps. He felt quite sure that if they were to tell the artisans of Lancashire, Cheshire, or Yorkshire, that whenever in pursuance of their desire to get more instruction in military matters, or with the object of obtaining a summer holiday, they chose to go into camp along with the Regular troops, they would then be liable to the extreme penalties of this measure, he thought they would at once refuse to go. He thought that the adoption of such provisions as these would defeat the intention and object of them, and that they would, in the result, do mischief rather than good. The Volunteer Force, by the very terms in which it was created, was not to be ruled in the precise manner in which soldiers were disciplined; and to try and apply the same rules to Volunteers was a contradiction in terms, and did away with the object and altered the character of the Force.

THE CHAIRMAN pointed out to the Committee that it was not in Order then to discuss the questions relating to the Volunteer Force.

MR. PARNELL said, that the Bill referred as much to Volunteers as to other Forces of the Crown. Volunteers gave their services freely and voluntarily, and submitted themselves to the same discipline as the Regular Forces. He thought that they were entirely in Order in discussing whether any particular clause of the Bill was suitable or otherwise in its application to the Volunteers. He did not think that there was any reason for applying these stringent regulations to the Volunteers. He did not believe that they were in favour of the extension of the punishments to which they would be subjected.

MR. W. H. SMITH said, that the Chairman had just now ruled that it was not in Order then to discuss the question of the Volunteers.

THE CHAIRMAN said, that he had just pointed out to the Committee that that was not the proper time to raise any question with regard to Volunteers. Of course, there was no doubt that the Volunteers were dealt with by the Bill; and in the clauses relating to them any question with regard to the Force could be discussed. But, certainly, hon. Members were not in Order in speaking of the Volunteers upon an Amendment which proposed to substitute 14 for 21 days' imprisonment.

MR. PARNELL said, that if brigaded with Regular troops, the power which they were then discussing would be applicable to the Volunteers; it might be inflicted upon the Volunteers under the Bill by a commanding officer, who might be, and probably would be, an officer of a regiment of the Line. Any Volunteer might be sent to prison for three weeks by an officer of the Regular Forces, who knew nothing about him, and by whom his case could not well be considered. He did not wish to enter into the general question of the Volunteers; but, at the same time, he wished to point out that there was a tendency all through this Bill to increase punishments and render them more severe. In every line of the Bill they met more severe punishments and increased terms of imprisonment. It was said that the placing this increased power in the hands of commanding officers would have the effect of reducing the number of courts martial. It would, unquestionably, increase the severity of sentences by commanding officers; but whether it would reduce the number of prisoners sent before courts martial he doubted. He would ask the right hon. and gallant Gentleman the Secretary of State for War, whether he could not introduce some provision for decreasing the punishments which might be awarded for slight absences without leave? He believed, at the present time, a soldier, who was unlucky enough to have been absent a short time, was driven to desert from fear of the consequences. He had known the case of a soldier who was brought before him for having deserted, to which act he was driven by having been absent one night without leave. If

soldiers knew that the punishment for temporary absence would not exceed seven days' imprisonment, they would return to their barracks and would not desert, and thus the services of the soldier would be gained, and the expense of punishing him would be saved. Many military men must be fully aware that in many cases a soldier was afraid to return from fear of the severe punishment which he would suffer for having been absent for a short time without leave.

COLONEL STANLEY said, that the advantage of giving an increased power to a commanding officer would be great. Fewer courts martial would be held, and a soldier would not be kept away from his duty for such a long period if dealt with summarily the next morning. There was a general opinion that much good would be done by giving a commanding officer increased powers of dealing with absences without leave. But in respect of other offences the Government did not wish to press for any increased powers to be placed in the hands of commanding officers.

MR. RYLANDS thought there was some justification for the change proposed in giving commanding officers increased powers of dealing with cases of absence by soldiers without leave. He thought, however, that they ought to be careful not to give commanding officers authority to inflict heavy punishments in all cases, but that they should limit the amount of punishment which might be inflicted in particular cases. He wished to point out to the Committee that absence without leave was one of the most numerous classes of offences committed in the Army. During the last year there were no less than 3,347 cases occurring of absence without leave. Upwards of 3,000 of those cases were tried by court martial. Therefore, what the right and hon. and gallant Gentleman was pressing the Committee to do was to give commanding officers power to deal summarily with a large number of those cases. He did not complain of that; but when he considered that this power would be exercised in some cases by men of not altogether sound judgment, and that the more men that were sent to prison the more they injured the efficiency of the Force, he thought they should look with jealousy upon the power of a commanding officer to inflict such a punishment. He remembered

very well, that in the proceedings of the Royal Commission which sat a number of years ago, evidence was given before them with reference to the number of summary punishments inflicted in different regiments, and it was shown that the number varied very much indeed. It was brought out as clearly as possible that, some commanding officers were a great deal more severe than others, and that while numerous punishments were inflicted in some regiments, in others the number of punishments inflicted was very small indeed. That was most important, as showing that in giving commanding officers these summary powers they ought to surround them with sufficient safeguards.

COLONEL STANLEY was sorry again to trouble the Committee with any observations upon this matter. He did not know whether the hon. Member for Burnley had really taken the trouble to listen to what had passed during the last hour or two; if he had, he would have known that the power given to commanding officers was by no means what he seemed to think. They desired to give this power to the commanding officers in the way suggested by the hon. and gallant Member for Galway (Major Nolan)—that was to say, that short absences without leave should be punished by imprisonment not exceeding seven days, and absences for periods beyond that, according to the length of time for which a soldier was absent, up to 21 days. Of course, in cases of absence without leave for extended periods, a court martial would be the proper tribunal. He did not think, therefore, that they were giving commanding officers any such extended powers as the hon. Gentleman seemed to think. On the contrary, he believed that the powers which they had given would be completely limited and restricted. Under these circumstances, he hoped that the Committee would agree to give commanding officers a power to award imprisonment for a period not exceeding 21 days.

MAJOR NOLAN said, that at present, if a man was more than five days absent, he must be tried by a court martial, and when so tried, a man really got more than 21 days' imprisonment. Under the new scale, which the right hon. and gallant Gentleman the Secretary of State for War proposed to introduce, a

man would get the same number of days' imprisonment as he did at present when his absence was for a period less than five days.

SIR ALEXANDER GORDON inquired whether the Secretary of State for War was aware whether the prisons would, in all cases, have sufficient accommodation to carry out sentences of imprisonment for 21 days? Many prisons had very inferior cells, which were only suitable for confining men for a few days. If, therefore, the period of imprisonment was increased to 21 days, cells which would be suitable for a few days' imprisonment might be found totally unsuitable for a longer period.

COLONEL STANLEY said, that in cases of absence for over five days, it was now necessary that there should be a court martial; in such cases, a man was sure to get 21 days' imprisonment. In future, a man would get less than that amount of imprisonment.

MR. A. H. BROWN begged leave to withdraw his Motion.

Amendment, by leave, *withdrawn*.

SIR HENRY HAVELOCK moved, as an Amendment, in page 21, line 27, after "twenty-one days," to add—

"Provided, that in every case where the power of summary award by a commanding officer exceeds a sentence of seven days' imprisonment, the accused person may demand that the evidence against him should be taken on oath, and the same oath as that required to be taken by witnesses before a court martial shall be administered to each witness in such case."

He thought that such a provision as that was necessary where they were extending the power of commanding officers in the matter of imprisonment. At present, cases of absence for over five days were tried by courts martial, and evidence was then, of course, taken on oath. In some of these cases it might happen that considerable doubt might arise as to the circumstances which constituted the offence; and it, therefore, seemed to him desirable that in the case provided for by the Amendment the evidence should be taken on oath.

COLONEL STANLEY assented to the Amendment, on the understanding that if he should find there would be serious practical difficulty in carrying it out,

the Amendment should be struck out on the Report.

Amendment *agreed to*; words *inserted* accordingly.

Mr. J. BROWN remarked, that so much had already been said on the subject of absence without leave that he did not propose to move the Amendment which stood in his name with regard to it.

Amendment, by leave, *withdrawn*.

SIR ARTHUR HAYTER moved, as an Amendment, in page 22, line 7, before the words "court martial," to insert the word "district." He said that his object was to provide that an appeal from a commanding officer's decision should not lay to the officers immediately serving under his command. By the present Articles of War, if a soldier was fined any sum exceeding 10s., he might appeal, if he pleased, from the decision. He had a right in that case to be tried by a district or garrison court martial. No doubt, there was a difficulty in bringing together officers to compose such a court, and for that reason the appeal had not been retained to a district court martial. He thought, however, that it was not right that an appeal from a commanding officer's decision should be only to those officers immediately under his command.

COLONEL STANLEY had no objection to the insertion of the word "district," although there were some practical difficulties in the way. It had been pointed out that in some cases they would have appeals set up as a matter of course; and it was then undesirable that a district court martial should in every case be bound to assemble. He had no objection, however, to making the appeal lay to a district court martial in any case which was sufficiently serious. But supposing the soldier was sentenced to one day's imprisonment, it was not right that he should have an appeal to such a court martial. To give a soldier a right of appeal to a district court martial in every case would lead to a considerable amount of trouble and expense. He thought that the difficulty would be met, however, by providing that where a soldier appealed from the decision of his commanding officer, and obtained a hearing by a district court martial, he should then be

liable to suffer a greater punishment at the hands of the court martial than he had originally received from his commanding officer. By adopting that course, he thought appeals would not be made frivolously and without undue ground. He should, therefore, agree to the Amendment giving an appeal to a district court martial; but, at the same time, he should insist that there should be no limitation on the soldier's receiving a greater punishment from the court martial than had been originally awarded by the commanding officer. He might say that he did not wish to punish unduly, but only to prevent the right of appeal being abused.

Mr. RYLANDS rose for the purpose of suggesting that it might be possible to restrict the power of appeal to cases in which the sentence of imprisonment exceeded seven days. They had a Proviso already for cases in which imprisonment amounted to seven days, for in that case evidence must be taken on oath. He should suggest the insertion of a Proviso for limiting an appeal to a district court martial to cases in which the sentence of imprisonment exceeded seven days.

COLONEL STANLEY said, that perhaps his hon. Friend was not aware that any soldier sentenced to deprivation of pay had a right to appeal to a court martial.

Mr. RYLANDS inquired whether that was a district court martial?

COLONEL STANLEY said, that the clause, as it stood, would cover everything, and the soldier would have a right to be tried by a court martial.

COLONEL ALEXANDER said, that it was only in cases of fines for drunkenness that a soldier could at present appeal to a district court martial. In all other cases his appeal lay only to a regimental court martial under the 50th Article of War.

SIR ARTHUR HAYTER agreed with the hon. and gallant Member for South Ayrshire (Colonel Alexander), that the law was as he had stated, and he thought it was one of the present anomalies for which there was no reason. He considered it of great importance that a soldier should have a complete right to appeal to a competent court.

COLONEL STANLEY did not know whether it was worth while to leave it optional to make the appeal to a regimental or district court martial. He

Colonel Stanley

would give his hon. and gallant Friend (Sir Arthur Hayter) an undertaking that the words "have a right to be tried by a court martial" should be altered to "have a right to be tried by a district court martial."

Mr. PARNELL said, it would make considerable difference whether the appeal were to a regimental or a district court martial. A regimental court martial would only have power to inflict a short term of imprisonment, whereas a district court martial might give a longer term.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN stated that he would not move the Amendment which stood in his name—to provide that a court martial hearing an appeal from a commanding officer's decision should not be empowered to award a punishment greater than was originally awarded by a commanding officer.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Courts Martial.

Clause 47 (Regimental courts martial).

SIR ALEXANDER GORDON said, he had an Amendment to propose, but could not explain it in the short time which would elapse before the Sitting was suspended. He would therefore move to report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir Alexander Gordon*),—put, and *agreed to*.

House *resumed*.

Committee report Progress; to sit again *this day*.

It being now Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CYPRUS.

MOTION FOR PAPERS.

SIR CHARLES W. DILKE rose to call attention to Sir Garnet Wolseley's recent Despatches with reference to the Government of Cyprus, and to move an Address for Copies of the Ordinance No. VIII. of 1879, giving power to the Government of Cyprus to exile persons without trial; of the Ordinance No. VI. of 1878, prohibiting the sale of land to any but British or Turkish subjects; and of the Ordinance No. XVI. of 1879, confiscating uncultivated lands. The hon. Baronet said, that a few nights ago, in "another place," the noble Marquess the Secretary of State for Foreign Affairs (the Marquess of Salisbury), in answer to a Question put to him, stated that it was very desirable that the beginning of the rule of a new High Commissioner should be marked by a nearer assimilation to, and greater respect for, the habits of the population. That observation was no doubt made with regard to the particular case brought under the noble Marquess's notice; but the facts which he (Sir Charles W. Dilke) had to bring before the House would no doubt induce hon. Members to believe that there was some reason for making the arrival of the new Commissioner a fresh starting point for improved relations with that country. The despatches to which he called attention referred to statements, many of them made by him in that House, with reference to the government of the Island after it had been taken possession of by the English authorities, and the tone in which Sir Garnet Wolseley had written was shown by his speaking of a "small and insignificant clique of foreigners in the town of Limasol, who were prepared to make monstrous charges." The charges which had come from Limasol, however, were chiefly received not from a clique, but from a club of considerable size, whose members included but two foreigners, one of whom had been in Her Majesty's service at Constantinople, while the other was a Greek gentleman. Many of the charges which the despatches were intended to rebut were really confirmed by them. The Bishop of Citium and others complained that they had been threatened, in consequence of the representations that they had made. The allusion seemed to be to the Ordinance

which gave power to the Government of Cyprus to exile anyone without a trial—a power against which the House should protest. Sir Garnet Wolseley, in the Correspondence respecting complaints made against his government, proceeded to consider the statement that petitions written in Greek had been refused, and it appeared from his despatch that such petitions, unless accompanied by a translation, had been refused in the local courts of Limasol and Paphos. It should be remembered that in the mountain districts of the Island there were no people who could speak Turkish. He (Sir Charles W. Dilke) wished to know, whether it was not the fact that Turkish and English were the only official languages in Cyprus; and, whether it was not true that Greek, although the language of the vast majority of the people, was in no sense recognized in the Courts or Administration of Cyprus? Since our occupation of the Island there had been a disposition to administer the Sheri or sacred law, which was very offensive to the majority of the people, rather than the Nizam, which was a very modified form of Turkish law. Replying to Sir Garnet Wolseley on the subject of forced labour, the noble Marquess the Secretary of State for Foreign Affairs said that an Ordinance might be promulgated instituting forced labour; but that in no case were individuals to be punished for non-compliance with the Ordinance, for if individuals were punished, the Government “would be charged with setting up slavery.” But the forced-labour Ordinance, as it now stood, violated that instruction of the noble Marquess; the punishment for its infringement not being a fine upon a whole village, but a punishment directed against the individual. Sir Garnet Wolseley said, in his Correspondence, that he named the occasions upon which forced labour had been used; but it had been used on other occasions than those mentioned in Sir Garnet Wolseley’s Return. It had been used, without any payment at all, by Colonel Warren. The facts did not seem to support the statement of Sir Garnet Wolseley, that he paid the market price for his forced labour; and, indeed, it would not be necessary to have forced labour, if the market price of labour were paid. In Cyprus it was forced labour, of the Egyptian type, about which we had so often protested

Sir Charles W. Dilke

elsewhere. It was said that the people rather liked it; but then M. de Lesseps had said that the people of Egypt liked it. On page 5 of the Forced-Labour Correspondence would be found a substituted clause, under which an individual could be fined for non-compliance with the Ordinance, the noble Marquess the Secretary of State for Foreign Affairs having first directed Sir Garnet Wolseley only to levy fines upon villages. He wanted to know whether that was not a mere juggle. They were told, over and over again, that people who could not pay their debts were sent in iron manacles to hard labour in prison. He should like to have some explanation of this. Those who did not pay their taxes were debtors to the State, and those who did not pay the fines imposed under the forced-labour Ordinance were liable to be sent to prison. For his part, he regarded the Ordinance as unwise in principle and injurious in practice. It was a fatal policy for this country to depart from the principles of freedom by which it had been uniformly guided, and to introduce into Cyprus a principle against which we had protested in the case of Egypt, and in the case of Turkey herself. Well, Sir Garnet Wolseley said that forced labour had not been imposed upon the people at half the usual rate of wages. That was so, no doubt, in parts of the Island; but in other parts it as undoubtedly had. The rates of labour varied according to the price of food and the condition of the people. In some parts the usual rate was 1s. a-day; in other parts it went very nearly up to 2s. a-day. There had also been forced labour without any payment at all. On that subject the Commissioner of Limasol had done something to confuse Parliament. He spoke of forced labour and of free labour. What was free labour according to Colonel Warren? It was forced labour for which he did not pay. He would now consider the inclosures forwarded by Sir Garnet Wolseley. In one, Colonel Warren said—

“The Bishop of Citium would be right had he stated that I declared the Ottoman Code and law to be still in force, and that I was bound to follow the ordinances of that law.”

But why should the Ottoman Code be allowed to remain in force when ten to one of the population were Greek-speaking people? The Commissioners in Cyprus and the Assistant Com-

missioners had all had letters and speeches sent to them, with a view that they should prepare replies to the charges preferred; but it would be seen that while each Assistant Commissioner contradicted a number of the statements made, they had all made admissions which, if they were all put together, made out the entire of the 22 charges brought forward. Colonel Warren admitted that a double tax was imposed; but he said that it was levied by the Turks, and that the over levy was now being repaid. Then, he denied that any priest had been manacled or condemned to hard labour. That assertion was utterly untrue, for they had the names of many who were manacled and who were made to labour in public. Colonel Warren, no doubt, made the statement believing it to be true; but the danger was that each Commissioner contradicted in sweeping terms things as having occurred in his district which really occurred elsewhere. With respect to manacling, they had the distinct admission made by Mr. Cobham, one of the Commissioners, in an excellent and admirable speech delivered after the shaving of the two priests, in which he stated that greater care must be observed in future, and in terms admitted the accuracy of the charge of manacling. Colonel Warren admitted that one priest had been compelled to work at hard labour; but he denied the statement that threats as to an exercise of the exile Ordinance had been used. What, however, was that Ordinance enacted for, if it were not intended to be given effect to? Colonel Warren asserted that the forced labour resorted to under the new Ordinance gave "universal satisfaction." All he could say was that the masses of letters he received from Cyprus spoke of a very different state of things. The witnesses he had cited in support of his statements on a previous occasion were disparaged by Sir Garnet Wolseley; but he could bring a host of others to give evidence to the same effect. As a matter of fact, however, he disputed everything said about the character of these witnesses by Sir Garnet Wolseley, who, apparently, had not acquainted himself with the facts of the case. When Sir Garnet Wolseley spoke of a charitable and educational institution so universally known as the Cypriote Fraternity of Egypt as a small Greek society, which had for its object the

spread of disaffection in Cyprus, it was evident that he had not tried to put himself in sympathy with the mass of the population he had had to govern. His (Sir Charles W. Dilke's) statement was denied that corporal punishment had been resorted to by the Government of Cyprus; but what he had alleged was that it was practised by the cruel Turkish Zaptiehs who were under our authority. He had heard of a great number of cases of flogging, and also that people were tortured by marching them 30 or 40 miles wearing heavy Turkish manacles. The Zaptiehs employed were Mahomedans in nine cases out of ten; they were persons who did not know the wishes of the population, and it would have been far better for the Government to have employed Sikhs on this duty rather than Zaptiehs. Colonel Warren said that the Zaptiehs, as a body, were much improved; but then it appeared that one-half of them had been imprisoned. It appeared to him, as he had said, that throughout Sir Garnet Wolseley's despatches he had shown that he had not put himself in sympathy with the people of the Island, and, that being so, good government had not been secured. Information had been suppressed—the Greek newspapers had been kept back because it was thought that their circulation would be injurious to our interest; but still information upon the point had not been given, and the denial given by Sir Garnet Wolseley to his (Sir Charles W. Dilke's) statements appeared in most cases to be made on insufficient or inaccurate information. It was not true that "no priest had been manacled for debt under our rule"; and as for the statement that M. "Theocharis Mitzi" had never been rejected for a public office on the ground that he was a Greek, he held a letter in his hand from M. Mitzi's brother, affirming the statement, and mentioning the place where the event had occurred. The statement also that he had received from a late German Consular agent, to the effect that a capitalist at Larnaca was imprisoned and fined £25 for saying—"We believed the state of things would become better (under the British), and it has become worse," he insisted was worthy of inquiry. Then, as to the Courts, it was an admitted fact that English barristers could not plead in Cyprus; and if it was not true that all petitions addressed

to the tribunals had to be in Turkish, the inhabitants in certain districts were undoubtedly under the impression that such a condition had to be complied with. Sir Garnet Wolseley stated that no taxes had been increased and no new ones had been imposed, and that all duties upon exports had been removed; but it was certain that a forest tax had been raised, or there had been a revival of an old Turkish tax which had not been enforced, and new duties had been levied at the landing stages, and on olives and wine, from which a considerable revenue was derived. M. Pitzis, of Larnaca, however, wrote that many taxes had been raised; that every commodity had been raised in price in consequence; and that people were not allowed to sell the stones from off their fields without paying £20 a-year and 5 per cent on the value of the stones sold. It was admitted by Colonel Warren that taxes had been paid twice over, because they had been returned. One Commissioner, Mr. Inglis, said the rule to prevent English barristers pleading had been applied in only one case. That meant that only one application had been made, because the refusal had deterred others from applying. Another Commissioner, Mr. Wauchope, denied that any labour had been forced; but it was admitted to have been forced outside his district. He said no one had been flogged "by order of the Government," and no one ever asserted that there had been any flogging by such "order." His extraordinary defence for compelling the majority of the population to petition in Turkish, which they did not understand, was that he compelled the English to do the same, thus compelling them also to have Turkish secretaries; while it was admitted that even the Cypriote Mahomedans spoke nothing but Greek, and that it was not easy to find "experts at writing strange languages," the "strange language" in this case being Greek. Could anything be more absurd? Since those statements were made, Sir Garnet Wolseley had changed the law and ordered Courts to receive petitions. As a matter of fact, however, the inhabitants had been put to great expense and labour by being obliged to go long distances in order to get petitions translated. He showed that the conduct of the Zaptiehs was good by stating that it had been necessary to im-

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prison some of them. He said they were "not angels," and nobody supposed they were. He had unearthed one case of beating by a Zaptieh, for non-payment of taxes; but a good many more such cases had been "unearthed." Colonel Warren denied that a slaughter-house had been built by forced labour; but the statement was that it had been partially built by it. As to the water-works at Limasol, he admitted that he claimed the "four days' free labour allowed by law," and said "this free labour was in addition to paid labour." What was this but forced labour, for which he did not pay? It was admitted that prisoners were taken along the streets in manacles; and though this was said to be done to the worst characters only, such as robbers, murderers, and refractory criminals, it was really done to persons whose sole offence was debt for not having paid their taxes. Mr. Inglis out-Heroded Herod, and, in order to satisfy Sir Garnet Wolseley, went too far in his contradictions. He said—

"I dismiss his (Sir Charles W. Dilke's) charge of the unsatisfactory condition of Famagosta. Suffice it to say, ophthalmia is almost unknown; and, in cases of blindness, it is not a fair criterion to take the beggars from the country as an example of unhealthiness of towns."

But Mr. Inglis did not notice the turned commas, and did not know he was contradicting a statement quoted from an official Report to the Admiralty, which actually stated that the whole population was afflicted with fever last year, half with ophthalmia, and that one-sixth were smitten with permanent blindness. Mr. Inglis quoted a case of forced labour, which Sir Garnet Wolseley had not mentioned in his list; for, speaking of the repair of a bridge, he said—

"I consulted the Mayor, a Greek, and we agreed the people must finish the labour. I paid the masons; and the people of Varosia, who preferred paying to working, paid the Turks of Famagosta for the labour."

It was clear that in this case some of the people paid in forced labour or its equivalent. The old Turkish practice of billeting the Zaptieh on the population, and supplying him with food and lodgings free, which not only was a severe tax on the people, but which frequently led to acts of violence, was one also which ought to be got rid of; and which, though it might have been done

away with throughout a large portion of the Island, prevailed, if he was correctly informed, in Mr. Holbech's district only three months ago. As to the question of slavery, he could not see any allusion to it in the despatches from first to last, although that it was permitted to exist was one of the first charges which were brought against the Administration of Cyprus, and although he had, in the speech which he made on a former occasion, insisted strongly on the necessity of preventing slavery in Cyprus under the British flag. From the Report on the subject, he saw that the proposal for free labour—that was, for unpaid forced labour—was negatived by the vote of Colonel Biddulph. He wished to notice that particularly, because Colonel Biddulph was the new High Commissioner, and the vote which he gave on that occasion against forced unpaid labour showed that he was disposed to administer the Government in a liberal sense; and he could not but hope that in taking up the charge of the government of the Island he would continue to act on such principles. He had, he might add, recently received a letter from an English gentleman in Cyprus, in which he stated that slavery still existed. Its existence, he added, would, of course, be denied; but the Turks had negro servants, who could not get wages and who could not leave their masters. The jurisdiction question could never be forgotten. There was Correspondence between the Government and foreign Governments on that question, and especially there was a remonstrance by Italy. He hoped hon. Members would press for Papers on the subject. If the Correspondence between the Government and foreign Governments was concluded, and those Governments had accepted the existing state of affairs, then the time had come when Cyprus ought to be taken from the Foreign Office and handed over to the Colonial Office; because the Foreign Office had no experience on such questions as the Administration of Cyprus; whereas the Colonial Office had been long accustomed to deal with such questions in all parts of the world. As to the health question, he hoped the Government would make some statement. The right hon. and gallant Gentleman the Secretary of State for War stated in August last, in reply to the hon. Member for Gloucester (Mr. Monk) and on the

authority of Sir Garnet Wolseley, that only about six persons were in hospital in consequence of Cyprus fever; but he (Sir Charles W. Dilke) made it out that the number was then 906, and he awaited with interest the right hon. and gallant Gentleman's explanation on this point. He would also like to have an explanation with regard to complaints that had been made by foreign newspapers as to the Administration of Cyprus, and to the case of the two Greek priests, who, for trifling offences, had been deprived of their beards and sentenced to imprisonment. Respecting the latter, he would say no more than to hope that for the future, in punishing persons charged with offences against the law, care would be taken not to offend against the religious prejudices of the people. An article in *The Neologos* made precisely the same complaint as he did, of oppression of the Greek population, not emanating from the Commissioners, but from the interpreters. It complained that the English and Turkish languages were made the official languages of the Island, although the great majority of the inhabitants were Greeks; while the Greek holy days, which were most religiously observed by them, were set aside, and the Greek assessors compelled to attend to the performance of their official duties on those days. It stated, further, that in all questions between the Natives the local Courts were allowed jurisdiction; but in those in which the British Government was interested, those Courts were overridden by a sort of drumhead court martial. He had obtained from Cyprus copies of the Ordinances which he asked should be laid on the Table. The House would never recognize their character from mere acquaintance with their names. One of them actually confiscated any land left uncultivated for a year, and yet it was merely called an "Ordinance to Promote the Cultivation of Land." Such an Ordinance was altogether opposed to English habits and legislation. Another of these measures was called an "Ordinance Regarding the Sale of Land to Subjects of Foreign Countries;" but it absolutely prohibited the sale of land in Cyprus to anybody but the subjects of England and Turkey. Some time ago we entirely changed our own law on this subject, and he did not see why a retrograde step should be allowed in Cyprus. There was also an "Ordinance for Securing

Peace and Good Order in the Island of Cyprus." It gave absolute power to the Government to banish from the Island, without trial or reason given, any person of whom they might disapprove. What were the circumstances which came to the knowledge of the Government, and induced them to enforce an Ordinance of that kind? There was a wish now to keep things quiet about Cyprus. He had asked for these Ordinances to be produced; but they were not forthcoming. The hon. Gentleman the Under Secretary of State, in answer to a Question he (Sir Charles W. Dilke) had put to him on the subject, had refused to lay them on the Table, saying that he would put them in the Library. Some of them came out six months since, but they were not in the Library yet. He maintained, however, that they ought to be laid on the Table; for if they were placed in the Library they would never get into the newspapers. They ought to be issued and circulated, as they would then be discussed in the country, and the subject would be opened to the light of day; but that would never result from merely placing copies of those Papers in the Library. He had some time ago asked the Under Secretary of State a Question with regard to the expulsion of persons from the Island; and he replied that if a person were found to be objectionable as a resident he ought to be expelled. That was a curious admission, and when the hon. Gentleman complained of the terms in which he (Sir Charles W. Dilke) had referred to the matter, he could not help thinking of a passage in *The Bourgeois Gentilhomme*, in which M. Jourdain says that it is monstrous to call a certain individual *marchand*; the fact being that all he did was to buy things from persons whom he knew, and exchange them for money with certain other persons whom he had the privilege of knowing. There appeared to be a great wish to keep back information relating to Cyprus, the reason being, he believed, that there was now more doubt as to the wisdom of occupying the Island than there was at the time when the occupation took place. He would again ask, why was the Island kept under the Foreign Office? The Colonial Office managed Malta and Gibraltar, and surely it was equal to Cyprus. In conclusion, the hon. Baronet moved an Address for

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the Papers of which he had given Notice.

Mr. MONK, who had placed on the Paper a Motion—

"To call attention to the inaccuracy of certain Reports made by Sir Garnet Wolseley to Her Majesty's Government with regard to Cyprus, and contained in the Returns presented to this House on the 7th day of April and the 2nd day of May 1879,"

seconded the Motion. He thought it an unconstitutional exercise of power that the Government should have power to exile persons from Cyprus without trial. They ought to know the grounds on which the sale of land was prohibited to any but British or Turkish subjects, and why uncultivated grounds were to be confiscated. He had also to complain that correct information had not been sent home last August by Sir Garnet Wolseley with regard to the health of the troops. There had been a strange discrepancy between the official Reports as to the amount of sickness at Cyprus. It would be in the recollection of the House that, in August last, report after report appeared in the daily Press, stating that the health of our troops in Cyprus was deplorable. On several occasions the Secretary of State for War denied the truth of those reports, on the faith of despatches and telegrams from Sir Garnet Wolseley himself. On the 14th of August he (Mr. Monk) inquired what truth there was in the alarming report that had appeared in *The Daily News* as to the enormous increase of fever among the troops, as well as among the sailors and marines. The right hon. and gallant Gentleman replied that he had received the following telegram, on the 12th, from Sir Garnet Wolseley:—

"There is no serious illness among the troops. Some six cases are in hospital from the mild fever of the country."

Nothing could be more satisfactory or re-assuring than the reply of the Secretary of State. What, then, must have been the astonishment of the right hon. and gallant Gentleman when he received the official Report of Surgeon General Sir Anthony Home, which stated that 25 per cent of the whole of the troops in Cyprus were either in hospital, or stricken down with fever or dysentery. Now, if the latter Report was correct, and there was no doubt it was, it was difficult to understand how Sir Garnet Wolseley could have made the statement he did. He could hardly have been so

entirely misinformed as he appeared to be, and if he was not, what were they to think of the Governor who, at a time when the country was anxious as to the health of the troops, kept back those facts from the Department at Home? Sir Anthony Home said—

“The prevalence of fever augmented daily until in the week ending August 16th, the attacks were 372 in a strength of 2,366 men.”

It was not to be wondered at that the Secretary of State for War, who had been, from the first, most anxious to give all the information in his power to the House, and whose candour was above all praise, should have said that it was as much a puzzle to him as it was to some hon. Gentlemen, the discrepancy between the official accounts which he received and the accounts which appeared in the Press. He (Mr. Monk) awaited, with some curiosity, the explanation which the right hon. and gallant Gentleman might deem it his duty to give. He had much pleasure in seconding the Motion which had been moved by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke).

Amendment proposed,

To leave out the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Ordinance No. VIII. of 1879, giving power to the Government of Cyprus to exile persons without trial :

“Of the Ordinance No. VI. of 1878, prohibiting the sale of land to any but British or Turkish subjects :

“And, of the Ordinance No. XVI. of 1879, confiscating uncultivated lands,”—(Sir Charles W. Dilke.)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

COLONEL STANLEY said, he did not propose to address himself to the general question which had been raised by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke); but he wished to make a few remarks with reference to the observations which had been addressed to the House by the hon. Member for Gloucester (Mr. Monk). There was an undoubted discrepancy in the statements which had been made as to the health of the troops in Cyprus, which it was desirable to clear out of the way; but he had not been able to

make himself fully acquainted with the facts of the case at present. At the same time, he wished to say that he was anxious to lay before the House and the country, at the earliest possible moment, all the information in the possession of the Government as to the health of the troops in Cyprus, and the hon. Gentleman had done him no more than justice in referring to his willingness to do so. In fact, many people blamed him last autumn for sending to the Press reports which were not favourable to the state of the health of the troops at Cyprus, but which, notwithstanding, he thought it his duty to lay before the public. In answering the Question of the hon. and learned Member for Beaumaris (Mr. Morgan Lloyd), he admitted he could not deny that there was some discrepancy between the earlier telegrams and the Returns which were subsequently laid before the House; but from his knowledge of the character and antecedents of his gallant friend, Sir Garnet Wolseley, he could not for a single moment doubt that the telegrams forwarded were believed to represent the actual state of the facts as they existed. He had had no opportunity of asking his gallant friend what was the cause of those discrepancies; but he would, if the hon. Gentleman (Mr. Monk) wished, confer with Sir Anthony Home, who was now in this country, and who, it was possible, had with him the original notes from which the telegrams were framed. The earlier telegrams and letters were clearly sent home based upon the best information that could then be procured; but whatever he could further learn on the subject he would willingly communicate to the House. In the meantime he would refer those who required information in respect to the sanitary condition of the Island to Sir Anthony Home's Report, which showed him a man of science.

Mr. W. E. FORSTER thanked the right hon. and gallant Gentleman for the candid statement he had made, and was of opinion that the House might implicitly rely upon his assurance that searching inquiries should be made with regard to the discrepancies. On the general question, he thought the despatches which had been produced proved that the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) was right in bringing this question under the consideration of the House;

and that he (Mr. Forster) was justified in giving to the Government the information he had received from gentlemen connected with Cyprus. That information was to the effect—Firstly, that our rule was conducted in a high-handed manner; secondly, that slavery still existed in Cyprus; and, thirdly, that we had introduced forced labour into that Island. In regard to the first point, he thought no one could read the defences made by the different Commissioners without seeing that there had been to some extent high-handed action; and, admitting that our officials had a very difficult duty to perform, he thought there was a great advantage in having the public opinion of this country brought to bear on the subject. If such things could happen, even with officials who wished to do right, it only showed how necessary it was to bring the question before the House. The treatment of the two priests was enough to show that great care was required in the administration of the law. As to slavery in Cyprus, it was remarkable that no attempt had been made to show that slavery did not exist. But the hon. Member for Chelsea's statement, which was from a credible source, showed that there was slavery in Cyprus, as there was in every country under the rule of the Turk. It was a matter which the Government ought certainly to look to. Had the Government published an Ordinance abolishing slavery, and if not, why not? If they had not done so, they ought not to lose a post in letting it be known that slavery was no longer legal in Cyprus. Again, why had the Government allowed the authorities in Cyprus to act in opposition to the Ordinance with respect to forced labour, which stated that there should be no punishment of the individual, while a fine had been imposed on individuals? The Government of Cyprus had also disregarded the instructions of Her Majesty's Government in other matters, and especially with regard to punishments; and he thought some explanation should be given as to why such things had been permitted. The fine imposed for the purpose of enforcing labour on the roads in Cyprus was clearly in opposition to the orders sent out by the Government; and he would likewise ask the Government why it had allowed its orders to be violated, and, more than that, whereas the old Turkish

law required four days' labour on the roads, 30 days' labour was now exacted? There was no need of forced labour, and he trusted that the example set to the Turks and Egyptians in the English Government of Cyprus—and which was the only motive for its acquisition—would not be that of employing forced labour at less than the market price. He was glad to think that the Government had sent out as Commissioner to Cyprus a humane and efficient gentleman (Colonel Biddulph), and that they might take courage from what had occurred in India, and instruct the new Commissioner to abolish forced labour altogether.

Mr. GOLDNEY thought the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) could not have read the Ordinance referring to enforced labour; for anyone who did read it would see that the forced labour was practically an optional matter. If a man did not wish to serve, he was entitled to exemption on payment of 2s. a-day for a substitute, which meant practically the payment of half that sum, as the Government allowed 1s. for the labour performed. The labour that was enforced was for the construction of the necessary public works required for the protection of the Island, and the removal of causes of unhealthiness. If they did not enforce that labour, they would have to exact money in the shape of taxes for these works. The substitution, therefore, of labour for taxes was a benefit to the population. The town of Nicosia, where, a short time since, the drains were in a shocking state, had been made habitable by the labour of the people, whom the High Commissioner had caused to save themselves. He had himself been in Cyprus, attended by an interpreter, and had there learnt that, so far was it from being true that the people felt the present arrangement burdensome, in certain cases three and four times as many people applied for work at 1s. a-day as were required. He had an opportunity of visiting four of the six departments into which Cyprus had been divided; he attended the Courts; and in no country had he seen the administration of justice presided over by more excellent men than the Commissioners. He was astonished that they were able to combine so well the strength of military discipline with the qualities required in the administration

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of justice. The people seemed so contented that he was curious to ascertain how complaints could have arisen. An intelligent Greek told him that under their past government it had been the practice of the rich to oppress the poor, and of the poor to cheat the rich; that the taxes were assessed by oppressive Pashas, but payment was evaded by bribing the Pashas or their officials, and now the English made a direct and equal charge, the payment of which could not be evaded by bribery. Many said they were worse off, as regarded the amount paid, than they were under the oppressive Pashas. As to forced labour, he could not learn that there was any complaint of unfairness on the part of the Commissioners. The administration of the Post Office appeared to be efficient. At all four places he visited, he saw at the Courts petitions in Greek, as well as in Turkish and English. He was told that no petition was refused because it was in Greek, and that all Petitions, in whatever language they were presented, were translated and considered, and he could hear of no complaint on that subject. On the whole, the Zaptiehs were regarded as an excellent body of men; and it had transpired that one to whom he gave 1s. on leaving the prison at Nicosia, he believing that he ought not to have received it, had taken it to his commanding officer. There was no prison at Famagosta, and, therefore, use was made of a mosque, in which he found two prisoners who were not manacled. At Nicosia the prison was a large, well-built khan, but still not of sufficient space to confine all prisoners separately; and, therefore, in some of the cells or divisions two prisoners were chained together, but without any pretence of torture, and simply with a light chain, which was removed at night. When Sir Garnet Wolseley took charge of the Island, a number of Turkish prisoners were removed, and they were chained together as they walked down to the place of embarkation. He had a conversation with an intelligent Greek who had come over from Athens for the purpose of settling in Cyprus, and the Greek told him that the accounts which reached Athens of the condition of the Island under British administration were such that a great many Greeks were about to go over. One of the objects which Sir Garnet Wolseley aimed at

was to place the clergy on the same footing with regard to the laws as other people. With regard to foreigners not being allowed to purchase land, the law in Cyprus was the same as it had been in England. ["No!"] No alien, until the Act passed a few years since, could hold land in England, and now only by complying with the provisions of that Act. He believed that the Cypriotes were not dissatisfied with our administration of the Island; and he was satisfied that under our administration the country would flourish, and the acquisition of it would be, not only a great credit to this country, but of the greatest benefit to the welfare and prosperity of the people.

MR. GLADSTONE: The hon. Member who has just sat down (Mr. Goldney) has drawn for us a charming picture of Cyprus. According to his account, there are no grounds of complaint. Everybody is equal before the law. The Commissioners are unrivalled, and the people contented. That is a very interesting statement. It would have been more interesting still, considering the conditions which attend such an inquiry, if the hon. Gentleman had told us within what time it was that he was enabled to commence this inquiry, to conduct it, and to bring it to a close. That is a fact of very great interest to us, and I hope that, without breaking the Rules of the House, he will put us in some way in possession of that very important fact. The question whether the hon. Gentleman was in the Island for six months, or three months, or thirty days, or three days, has a very considerable bearing on the value of his information. There is another point on which I should like information. Who were the persons from whom he obtained his information? We have heard of an Athenian merchant who was on his way to Cyprus, and who expected—

MR. GOLDNEY begged pardon. He met him in Cyprus, and travelled with him from Nicosia to Cyræne.

MR. GLADSTONE: I am obliged to the hon. Member for his information. The hon. Member has told us, then, of one Athenian who had arrived in the Island, and of a great number of other Athenians who intended to go to Cyprus. What would be the opinion of these Athenians, when, upon arriving in Cyprus, they found that after the perfect system of law and administration which

had been established there, they would not be able to hold a single inch of land in the Island. That is the state of things the hon. Gentleman admires. He may say that these Athenians ought not to come over to Cyprus without having ascertained the state of the law in the Island with regard to the land. Still we ought to have a little feeling for them. They would be aware that certain laws had prevailed under the Turkish Government; they would be aware that under that Government there was nothing to prevent them from holding land in Cyprus; they would be aware that England had gone to Cyprus, trumpeting forth her intentions to set an example of progress, advancement, and enlightenment, and I know not what else besides. We were to abolish all the abuses of the Turkish Government, to establish an enlightened rule, and to convert Cyprus, as far as possible, into an earthly paradise. How justly, then, would this Athenian, who was under the special patronage of the hon. Member opposite, be astounded to find not only that we had not converted Cyprus into this abode of felicity, although the Island had enormous natural advantages and resources, but that we had actually gone back upon the legislation of Turkey, and had taken away even what was good in her legislation. The very barbarism of Turkey led, in some instances, to the people having a good government. The Turks did not interfere to create a bad government when they found a good system—as with regard to the holding of land; but that good system we had abolished before we had been 12 months in the Island; yet the hon. Gentleman comes back here to assure us that everything is perfect. I should like, further, to inquire of the hon. Member in what language he conversed with the people of Cyprus?

MR. GOLDNEY: I said that I had an interpreter; but this Athenian spoke English as well as I did.

MR. GLADSTONE: If the hon. Gentleman spoke through an interpreter, it is still more important that we should know also how long was the time he employed in making these inquiries?

MR. GOLDNEY: I am quite willing to say. I was there four days, with every facility for travelling about.

MR. GLADSTONE: The hon. Gentleman is most ingenuous, and I will not venture to say a single word further.

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He has spoken most frankly and fully. I am perfectly satisfied with the reply, and I will not say another word upon the subject which which does not bear on the nature of the inquiry, or on the conclusion to which he has come. The hon. Gentleman apologizes for a Government which confiscates uncultivated lands, giving as a reason that there is a great deal of land uncultivated. That is what I continually hear about the Highlands of Scotland. Districts there are continually pointed out which were inhabited by a considerable number of men and were cultivated until the last few years, but are now remaining entirely uncultivated, given up in some cases to sheep, in some cases to grouse—in more cases, still, to deer. Does the hon. Gentleman propose to introduce an Ordinance into this House for the confiscation of those lands? What sort of equality is that? He says all men are to be equal before the law. But what sort of equality does he mean? Does he still think this confiscation of land—[“No, no!”]—it is a confiscation; I am correct in saying that according to the words of the Ordinance—that this confiscation of land is really a liberal or an English method of legislation. Some distinction is to be drawn between Executive and Legislative proceedings. I am sure it is painful to think that with regard to the Executive proceedings there should have been such reason to complain in the case of the two Greek priests and the great Christian holidays of Christmas Day and Good Friday. I think my hon. Friend mentioned twice that a very solemn day with them is Good Friday. It is the old story. The English authorities go into a country possessed with the idea that there is no land in the world like England, and that the people of all other countries ought to conform to English customs, and that if they do not conform, so much the worse for them. This hunger for conforming the world, and the manner in which it is brought about, is, to me, a very serious matter. I will not dwell in detail upon the treatment of the Greek priests, because the Under Secretary of State for Foreign Affairs (Mr. Bourke) has been so good as to intimate to me that the Correspondence will be produced. It will be much better to wait until I see precisely what has taken place before making this a matter for comment. I also thank him

for informing me, what has been publicly stated, that a reprimand has been administered to the person who was guilty of what was called in "another place" by the very mild name of a "miscarriage," but what I should call an outrage. The hon. Gentleman (Mr. Goldney) says this is really the old story of the claim of the Greek clergy to be tried by a tribunal of their own. Well, Sir, the hon. Gentleman, in those four days which he employed so well, had time to learn, if he was not aware of it before, that this exemption of the clergy is essentially a part of the Turkish Constitution under which these people have lived during all the long centuries that they have been a subject race. It is not the assertion of a claim against the law; it is the law, as made by the Turks. This is to save themselves from the trouble of civil government, for which they felt themselves to be not the most qualified race in the world. If you abolish that; if you bring the priests under equal laws—and I quite agree that this is a object to contemplate—you should take care what kind of laws they are under which you bring them, and you should be quite sure that you do not begin to act in total ignorance of the feelings and the customs of the country, and the condition and views of the priests; and, secondly, that you do not inflict upon them a wound in their tenderest feelings, their sense of honour and of shame, under cover of this general doctrine of equality. In your zeal for improvement, you are going to establish perfect equality before the law. But what is the system established in Cyprus? I am not going to pronounce a censure upon anybody in particular, for I do not know enough of these proceedings, or who is responsible for them, to be at all able to pronounce upon the degree of merit or of blame that may be due to any of the different persons who have been engaged in the government of the Island. So far as Sir Garnet Wolseley is concerned, I think in sending him him there, so far as I may judge from my intercourse with him six or seven years ago, that Her Majesty's Government made a choice as fair and judicious as could have been desired. Nevertheless, we must look at these things as they are in themselves. I entirely disclaim entering into the question of the merits of individuals; but I must point

out to the Government that the state of things there is one which cannot be endured in silence, either by the people of this country, or by a large portion of the Members of this House; and unless a very different system is pursued from that which is represented to us to-night, or unless it can be shown that that representation has been a very mistaken representation, the subject of Cyprus will simply be another subject thrown into the cauldron of our political troubles, like many others recently forced upon our notice. It will make further and urgent demands upon the time of the House, and will be a matter of anxious and complicated contention until a great change is established. What appear to be the main facts of the case as far as they are at present before us? In the first place, it does not appear that slavery can be asserted to have been abolished in the Island, and that is the contention of my hon. Friend. I do not understand that that contention has as yet been distinctly and intelligibly denied. Recollect, the whole justification of your taking Cyprus, in the eyes of the world, if you have a justification for it, rests upon your own determination and your power to make it an example of good and rational government. Let us test your proceedings by that rule. You have not, so far as we are aware, abolished slavery. I come, then, to the point of forced labour. How does that stand? The hon. Gentleman opposite (Mr. Goldney) says that he found in Cyprus that there was no forced labour. But what is the use of debating about terms? Why, if there is none, are you obliged to resort to positive enactments of law to get labour at all? If you build Houses of Parliament in this country, you do not resort to law to get the labour; while you tell me that you can get nobody to work in Cyprus, without a law to make him do it. Why, then, do you do it? Why do you come down upon the individual and fine him in order to make him apply for the work? There is no doubt about it. I will appeal to the candour of the Under Secretary of State, and he will correct me if I am wrong; for I do not want to exaggerate in the least, and the matter, as I understand it, is a little complicated. You make a list of the able-bodied men in the Island, and to them you say by law—"Either you

must present yourselves at a certain time to give your labour upon public works, and be paid for it at 1s. a-day”

—[Mr. GOLDNEY: Not less than 1s. a-day.]—The law is satisfied with 1s. a-day, and, therefore, I put it so. “You must either appear and work and receive”—I will put it in that way—“1s. a-day, or send a substitute, or pay a fine of 2s. for not coming. If you do not come after being duly summoned, you must pay 5s.; or if you come and go away, you must pay 25s.” It is a little complicated, but the essential point of it is that there is now plenty of labour in Cyprus, but its value is more than 1s. a-day. [Mr. GOLDNEY: No!] The resources of information of the hon. Gentleman have reached such a point that it is not for me to suppose that any information coming from my correspondents, although they have lived very long indeed in the Island, and know all the circumstances, can compete with his marvellous four days’ sojourn. I am told that 1s. a-day does not come up to the value of wages—

Mr. GOLDNEY: I do not think the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) quoted from more than one district; I quoted from four, and saw people who were anxious to get work at the price.

Sir CHARLES W. DILKE: Sir Garnet Wolseley’s own statement is that the average is 1s. 3d.

Mr. GLADSTONE: The average stated by Sir Garnet Wolseley is 1s. 3d. If that is so, what is the wisdom, the policy, the necessity of interfering with the free sale by each man of the only commodity many of them have to dispose of—their labour—in order to gain to the extent of 3d.? Is that the example of the enlightened legislation which is to make Cyprus the envy and pattern of the East; and to add to the glories of England in that quarter of the world? So much, then, for forced labour. I will not dwell upon that any more. Evidently, it is a penal interference, to a certain extent; to the extent of a fine and to the difference between the shilling which a man can claim and the average rate paid. That constitutes a very severe law, which, in this country, would not be a law to be dreamt of, certainly not to be endured for a single moment. Then, as to a very important point—the holding of land. We have actually gone

back upon the Turkish system. Before we came to the discussion of this matter, it was always supposed that, however objectionable the acquisition might be, yet, that it would be attended with one advantage—namely, that the people could not possibly get anything but benefit from the change; that nothing could possibly be worse than the system of the Turks. But we have discovered a method which is a great deal worse, and we have introduced a restriction which appears to me quite outrageous. You have here an Island which is inhabited by a population of whom, I believe, nearly four-fifths are Greeks, and to this people you say—“No Greek, none of your blood, none of your race, shall hold land in this Island, unless he be a subject of Turkey.” That is a restriction Turkey herself never imposed. It is impossible that these things can stand. They must be the subject of perpetual discussion, and I hope that the warning will be taken in time, and that they will be amended. But I am sorry to say we have not yet mentioned the worst of all—in my opinion, by far the worst. It is that astounding Ordinance which is called an “Ordinance for Promoting Peace and Order in the Island of Cyprus.” I really want to know whether I stand in an Assembly of Englishman. [*A laugh.*] The hon. Member laughs. He has no reason to laugh. It is no subject for laughter. Let him reserve his laugh till he has heard what I am going to say. I want to know whether I stand in an Assembly of Englishmen—within the four walls of the British House of Commons, the highest and the noblest of all temples of liberty, when I am called upon to examine this Ordinance. This is no new subject. This is the old shame, scandal, and disgrace of the English Protectorate in the Ionian Islands again revived. Every man in the Island of Cyprus is to hold his liberty and his property at the absolute mercy and discretion of what is called the Governor in Council. Is it possible to conceive a more complete destruction of personal liberty? I was a great deal more than four days in the Ionian Islands, and I know what the result of this system was there. One would suppose, when we hear of a law of this kind, enabling the Governor, by a secret proceeding, and not only by a secret proceeding, but, if my hon.

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Friend (Sir Charles W. Dilke) is right, by an Ordinance which was, itself, kept secret—I hope that that, at least, will be denied and refuted—to remove from the Island for any time he pleases, for any cause he pleases, under any circumstances he pleases, without warning of any kind, any inhabitant of the Island. We know the history of this in the Ionian Islands. The system there went under the name of “the Power of High Police,” and it is precisely this power which is now revived. It is true that there was this to be said of Sir Thomas Maitland, the first Commissioner of the Ionian Islands, that he never passed an Ordinance upon the subject. He had such a sense of liberty that he would not embody in the terms of a law provisions so adverse, so contradictory, and so destructive of the first element of British liberty, or of liberty anywhere in the world. Go to Russia, of all places, with your Ordinance. Ask Cetewayo to approve it, for it is worthy of him. Is it possible that any hon. Gentleman, though sitting upon that front Bench, can think it a matter to be treated with ridicule that an Executive officer in the Island as the Representative of a foreign Power, on his appointment to that Island, is to be entitled to banish whom he pleases, to remove a man from his property, and his occupation, and to send him where he chooses. Is this to be treated with laughter and derision? It may be so. But these are matters which will have to be considered by the people of this country, for whom the question will be, whether the principles of liberty are not violated by such proceedings as these. One would suppose that we were dealing with a population of a most formidable description; that they are people given to plotting; that the whole history of their subjection to Turkey has been marked by a series of bloody revolts; and that nothing but the exercise of a despotic and violent tyranny can possibly preserve the peace of the Island. Is that the case? On the contrary, these people are among the most peaceable and easily-governed people upon the earth. I say, in some sense to their credit, in some sense to their shame, that they never have had enough of the spirit of manhood to rise even against the grossest oppression. But this is again the old game of the Ionian Islands played over again. There

we had to govern a set of the most pacific and peaceable human beings. [“No, no!”] The hon. and gallant Admiral does not know those persons as I have done. I have been responsible for the management of their affairs; I have had an opportunity of examining them minutely; I have reported upon them fully to a British Government, which was also a Conservative Government; and the views I reported to the Government were adopted, both by my excellent Friend Lord Lisgar, who preceded me, and my distinguished and gallant Friend Sir Henry Storks, who followed me in that government. The people of this Island, I repeat, are the most pacific, the most contented, the most easily-governed people in the world. There is no county in England more easy to govern, so far as the government is concerned. I do not mean to say that they are a people advanced in all respects. In some respects, undoubtedly, they are wanting; but they are a most peaceable people. What happens? When we go into a country, the very worst of the Natives make it their business to form a ring round us to flatter us, to give us pretended information, and to malign their country for their own convenience and advantage. They take advantage of the little aptitude possessed by Englishmen for considering the feelings of foreign nations, and of travellers who go among them for three or four days, and they fill their minds with ideas most honestly sought, no doubt, and most honestly received, but ideas coloured according to the prejudices of those informants. They take advantage, also, of our ignorance of the language, and of the very great difficulty in holding full communication with the people, even when more than four days are given to the work. And in that way we have had in the Ionian Islands extreme severity, I will even say cruel and shameful severity, marking the proceedings of the British in the exercise of their Administration. For God’s sake, do not let us have that experience over again! Why do we begin our government here by destroying the safeguards of liberty? [“Oh, oh!”] You cannot surely deny that you do destroy the safeguards of liberty when you enable the head of the Executive, on his own responsibility, to destroy a man’s occupation and to banish him from his country. You may tell

me that power will be mildly exercised. That is what the Emperor of Russia and every man in Russia tell us of their system—that it is mildly exercised. At any rate, in Russia I know this—that the power is exercised by a Native Governor, endeared, in some sense, to the people; at any rate, habituated to the ways of the people by the association of many centuries. But we went to Cyprus by force. No man belonging to Cyprus was consulted on the question whether we should come there or not. The bulk of the inhabitants belonged to a race proud of its traditions, though it has not the same manhood to enforce their ideas that we have. Therefore, we should treat them tenderly, delicately, and with consideration. Do not destroy the safeguards of their liberty. I can only say that I wait, with the greatest interest, to know whether the Under Secretary of State will defend this Ordinance or not. It appears to me that there are no words to be employed which are too strong for its condemnation. It is by judicial trial in Cyprus, as in England, that private liberty ought to be sustained. You are not in a state of war, or in danger of war. You can say you are in danger there. There is nobody to molest you. You are omnipotent, so far as brute force is concerned. You have not a tittle, or a rag, or a shred of title to resort to measures of that class, which may, perhaps, be justified under extreme circumstances and in extreme contingencies. I do entreat the Government not to allow this state of things to be established. Unfortunately, we have known in our Ionian experience what the consequence was, when a spirited foreign policy induced some Foreign Minister of England to reproach Austria with her proceedings in Italy. Austria had a ready and stereotyped reply. It was, "Look at the Ionian Islands!" and it was very difficult for the Foreign Minister of that day to make a severe rejoinder to that reply. We have atoned for our misdeeds and our misdeeds in that country by giving to the people, in the fullest and freest manner, what they think to be the full and adequate blessing of liberty. Do not let us raise anew, in this country, which, although it be small, and although it be feeble—aye, absolutely powerless—is yet a country, our assumption of a Sovereignty over it which

has attracted the notice of the world—a treatment which will have much to do with the future name and fame of England in the East.

Mr. BOURKE thought that the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had been somewhat hard upon the hon. Gentleman the Member for Chippenham (Mr. Goldney), who had made to the House a statement based upon his short experience in Cyprus. It was true that the experience of the hon. Gentleman was short; but it was not fair to suggest, in terms of passionate invective, that the statement of the hon. Member was one which had been carefully fabricated, in order that it might be imposed upon the House. The hon. Gentleman had made his speech in good faith, and the statements he had put forth were just as reliable as those contained in the Blue Books, inasmuch as they were the statements of a Gentleman who had carefully guarded himself against making any statement which could not be supported by evidence based upon facts within his own knowledge. He (Mr. Bourke) did not think that his hon. Friend had said one single word which anyone, having had an experience of four days, was not entitled to say, and he was as entitled to give his opinion on matters which had come to his own knowledge as anyone having an experience of four years. With regard to the general question before the House, he was extremely anxious not to say one word which, if reported in Cyprus as coming from a Representative of the Foreign Office in that House, could have the effect of embittering the feelings which already existed between the Governors and the governed in that country. He believed that a great deal of mischief had already been done by statements which had received an exaggerated colour in this country, and which had, to a certain extent, disturbed the relations existing between the persons in the Island of Cyprus, relations which, on all grounds, it was desirable to leave upon as friendly a footing as possible. He did not, for one moment, complain of the various charges and statements which had been from time to time brought forward in that House. The hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) had, as they all know, paid great attention to

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this subject, and he had brought forward his case from time to time with very great skill, and he (Mr. Bourke) might say, with the skill of a practised advocate. No doubt, he had made the very best of his case. To put the whole case in a few words, as it had been presented to the House from time to time by the hon. Baronet the Member for Chelsea, he thought it was simply this—that he had taken isolated facts from time to time, and had put these isolated facts before this House and the country, as representing the general state of things in the Island of Cyprus. Isolated facts formed the whole justification for the hon. Baronet's speech, for he said that all his statements were borne out, if they would only take one case and another; because, by taking a few cases, there was hardly a statement that had been made in that House that had not been completely admitted either by the Deputy Commissioners or by the Commissioner. Therefore, the hon. Baronet justified the whole of the charges made against the Administration of the Island, simply because, in various cases, some very small and isolated matter had taken place. With regard to the observations of the right hon. Gentleman the Member for Greenwich upon the Ordinances, the most convenient course would be for him (Mr. Bourke) to take the cases he had put. He had to complain against the right hon. Gentleman, for he had not quoted the Ordinances to which he had referred correctly, nor had he given the House to understand accurately what he described. He thought the right hon. Gentleman would admit that he said that it was in the power of the High Commissioner, after consultation with the Executive Council in the Island, to exile any man without trial. To that, he (Mr. Bourke) would reply that it was not so. The Ordinance to which the right hon. Gentleman had alluded, as having been in force in the Ionian Islands, was very different. The Ordinance in Cyprus gave the power in question to the Legislative Council of Cyprus. That was, the Legislature had power to exile any man; but nothing of that kind could take place unless the Council passed a resolution to that effect, and that resolution must be sent to the Secretary of State. That was a very different description of the Ordinance from that given by

the right hon. Gentleman. That Ordinance was passed by Sir Garnet Wolseley, because he had been given to understand that, in all probability, there would be a rush of all sorts of bad characters from every part of the Levant the moment it was known that Cyprus was about to be occupied by the English. Sir Garnet Wolseley considered that the Legislaturo ought to be given that power, for the purpose of securing peace and good order in the country. The right hon. Gentleman had also said that the Government had made the mistake of trying to govern Cyprus in accordance with British ideas. That was exactly the reverse of what the Government had done. The Government had given a Legislative Council to Cyprus. Although they had not agreed upon every particular connected with the occupation of Cyprus, they had thought it better, considering the novelty that must attach to all that was done in the Island, to allow laws to be passed; although, at first sight, they might appear to be different to such as would have been initiated in this country. But, having given legislative power to the Council in Cyprus, the Government thought it desirable not to interfere, at any rate, for the present, with the laws that might be passed, although the laws would not have been initiated by Her Majesty's Government in this country. That was the real reason, if he might say so, for these Ordinances. The laws with respect to waste lands had been passed under exactly similar circumstances. When Sir Garnet Wolseley had his attention turned to the waste lands of the Island, he perceived that, owing to the lazy way in which the inhabitants were allowed to live, and the lazy way in which they cultivated their land, a vast quantity of land in the Island was left in a totally uncultivated condition. He endeavoured to discourage that plan, and passed an Ordinance with the object of encouraging the cultivation of waste lands. As respected the law relating to the non-purchase of land, it was due to a belief by Sir Garnet Wolseley that a vast number of land speculators would, unless prevented, rush upon the Island and purchase property. There were many reasons why it was thought desirable that the land should not fall into the hands of land speculators, particularly

as Sir Garnet Wolseley considered it very desirable that public works should be carried on on such land, which might fall into the hands of speculators, and which would have been impossible had the speculators to whom he had alluded not been checked. It would be a mockery for the House and for the Government to give a Legislative Council to Cyprus, and then step in and take the power of legislation out of the hands of the Council. He thought, however, that it was right and proper, and very likely it would be quite necessary, for the Secretary of State, when a more extended experience had been gained, to repeal many of the Ordinances relating to Cyprus. ["Hear, hear!"] Hon. Gentlemen cheered ironically, as if he had ever said the contrary. He had always given the House to understand that that was his opinion, and that opinion he had always entertained. It was impossible, in governing in Cyprus, to introduce laws at once which would be suitable for all circumstances of the population. They had given to the Legislative Council a power of initiating legislation, and it was quite possible that the Secretary of State might think it advisable to repeal some of these Ordinances; but, if so, there would be no difficulty in doing it. The attention of the Secretary of State would, no doubt, be called to those Ordinances, particularly by the debate that had taken place that night. The attention of the new Commissioner would also be called to the question raised by the hon. Baronet the Member for Chelsea, and the Government at Home would, in a great measure, be guided in their action by his Reports. Sir Garnet Wolseley held such strong opinions upon the Ordinances that the Government did not think it desirable at once to do away with them. The hon. Baronet had drawn attention to certain statements, which he quoted at very great length. He would not detain the House by going over the ground traversed by the hon. Baronet, when he complained of Sir Garnet Wolseley's despatch; but he ought to have remembered the circumstances under which that despatch was written. Nothing could be more offensive to Sir Garnet Wolseley, or more hurtful to his feelings as an honourable man, and nothing could be more injurious to his reputation as a great administrator, than the allegations that

had been brought forward in that House by the hon. Baronet the Member for Chelsea. But he (Mr. Bourke) knew the hon. Baronet too well to think that he would have made one single statement upon that occasion without being impressed himself with the belief that it was true. He was sure that the hon. Baronet was convinced that everything he stated was justifiable; but he would ask any calm mind to read those despatches which had come home in answer to the speech of the hon. Baronet, and he did not think it could be doubted that the substance of those charges which had been brought against Sir Garnet Wolseley's administration had been altogether rebutted. Then, again, the hon. Baronet had alleged that all his statements were justified, because of the action of the Deputy Commissioners. In particular, he had singled out Colonel Warren for his attacks. Well, considering the arduous duties that that gallant officer had been called upon to perform, and the manner in which he had discharged them, he (Mr. Bourke) was not surprised that Colonel Warren had warmly resented what had been publicly stated of him. He thought he should be justified in taking that opportunity of stating what Sir Garnet Wolseley said about Colonel Warren. He said—

"Before quitting this part of the correspondence, I wish to put on record my high appreciation of the manner in which Colonel Warren has carried on the difficult duties of his office—duties rendered all the more difficult through the conduct of the Bishop, who, instead of setting the people an example of obedience to the law, as their spiritual head, seems to have taken pleasure in breaking it, and in endeavouring to place itself above its power. I know that Colonel Warren's exertions to improve the sanitary conditions of Limasol, to supply its inhabitants with good water, to protect the poor from the exactions of the rich, to administer the law impartially to all classes irrespective of race, religion, or position, to make all respect it, by showing that the rich Bishop as well as the poor workman must obey it, and that the rich Bishop should pay his taxes as well as the humble shopkeeper—I know well that all this which Colonel Warren has done is highly appreciated by the great bulk of the people of his district."

Now, was that true, or was it false? If it were false, it was as black a falsehood as was ever penned by any man; but, if true, it substantially refuted the imputations that had been made, and made not in a fair or candid way, against Colonel Warren. The explanations that

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had been brought forward, to his (Mr. Bourke's) mind, amply proved that this was the case, and he thought that those explanations had been admitted by the hon. Baronet. There were several other charges made, which were not exactly in the same way. It was said that the taxes had been paid twice over. This was put forward as being quite the usual thing in Cyprus. The hon. Baronet alleged that taxes were usually paid twice over; and he justified his assertion, because in one case double taxes were demanded—and in respect of that case the tax collector had been punished. That was an example of the whole way in which this case against the administration of Cyprus had been got up. Then, with regard to barristers not being allowed to practice in Cyprus. The hon. Baronet had stated that no English barrister was allowed to practice in Cyprus. That was not exactly the case.

SIR CHARLES W. DILKE remarked, that he said they were not allowed to practice before the district Court.

MR. BOURKE said, that made all the difference in the world, because there were two reasons why Sir Garnet Wolseley did not think it desirable to allow English barristers to practice. It was only in the district or local Court, to which the prohibition extended; they were Courts found in the Island, and the only difference made in them was to appoint an English assessor. The administration of the law in those local Courts was continued together with the law which was formerly administered, one of which laws was that a barrister was not to be allowed to practice without the leave of the superior authority. English barristers had not obtained the leave of the superior authority, and, therefore, they could not practice. These were not Turkish Courts now; but they were local Courts continued under British administration. Besides which, as the Judges could not understand English, and the English advocates did not understand Turkish or Greek, it did not appear to Sir Garnet Wolseley that the interference of English advocates would contribute much to the due administration of justice. With regard to the petitions, the hon. Baronet had made a great deal that night, as he had done on previous occasions, of the question of petitions. The allegation of the hon.

Baronet was that petitions were refused if they were not in the Turkish tongue; and he had mentioned one or two cases in which Greek petitions had not been received, and the Judges had been reprimanded for refusing them. On the other hand, it had been shown that Sir Garnet Wolseley had received thousands of Greek petitions. He had nothing to complain of with regard to the observations of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). He entirely agreed with him in thinking that he was fully justified in bringing the questions he had under the notice of the Government. The Government were very glad to have those questions brought to their notice; but discretion ought to be exercised in making charges in that House against officers performing difficult duties in Cyprus. It should be remembered that those gentlemen had not the power of answering these charges; and they all knew that in that country the population had a talent for intrigue, which it was extremely injudicious to foster. Nothing would tend more to disturb the relations between the races of the people and the persons who governed in Cyprus, than to foster their intrigues in that House. It could do the population of Cyprus no good, and would do a great deal of harm. Something had been said that night with regard to slavery. There was no need for him to stand up in that House and say that the Government would not countenance slavery in any shape or form. The right hon. Gentleman had done them the justice to say that they had done a great deal in different parts of the world in the suppression of slavery; and, therefore, there could be no doubt of the feeling of the Government generally on this subject. With regard to slavery in Cyprus, there could be no doubt that slavery existed still in the Turkish Dominions, and Cyprus, until the other day, was a Turkish possession, and there could be no doubt that slavery existed there. There was, also, no doubt—and he was quite ready to answer the question put by the right hon. Gentleman the Member for Greenwich on that point—that no Ordinance had been passed to abolish slavery. But there had been no single attempt, directly or indirectly, to give legal effect to the status of slavery in the Island. He knew of no law with regard to it;

and he should be surprised to hear of any court, local or otherwise, in which an English assessor was sitting, which had permitted the process of the court to be used to give effect to slavery in any shape or form. If that were the case, nothing was to be said against Sir Garnet Wolseley. The Government had not been asked by the Legislative Council to pass any law with regard to slavery. If they had been asked to pass one for the repression of slavery, no doubt, they would give a hearty assent to it. But, like all other laws, the Government would like it to be initiated there. At present, no grievance had been shown to have arisen from slavery; but it was for that House to consider whether any grievance had been shown. He did not think that a single syllable had been said to show that any law of this kind was necessary. One or two remarks had been made by the hon. Baronet with regard to the Council. There were questions between foreign Governments which made it desirable that Cyprus should, for the present, remain under the Foreign Office; but he did not know that at the present moment the Colonial Office was not as well able to manage it as the Foreign Office. But that was a matter of very small moment. With regard to Good Friday, there had been but one Good Friday since we took possession of the Island, and he hoped that before the next had arrived the cause of complaint would be removed. He quite agreed that what occurred was a scandal, and nothing could be more impolitic than giving rise to it. It was a great pity that the scandal had arisen. With regard to the two priests, the right hon. Gentleman the Member for Greenwich had truly stated that he (Mr. Bourke) had informed him that the officer had been reprimanded for not taking care that the priests were not shaved. He might mention how the thing happened, not by way of palliation, but as some excuse. It happened in this way. One priest was sentenced to seven days' imprisonment, and the other to imprisonment for a month. He did not think that the justice of the sentence was in question, but the prison regulation permitting shaving. A rule had been laid down by Sir Garnet Wolseley, with regard to prison regulations, that no priest should be shaved who was not imprisoned for a period of more

than three months. That was very creditable to the Government of Cyprus, for it showed plainly that they had some regard for the feelings of the priests. The regulation, however, was one which, of course, was subject to consideration. There was only one more remark that he would wish to make. The hon. Baronet seemed to have implied that there were some doubts in the minds of Her Majesty's Government as to the wisdom of retaining Cyprus. Well, all he should say upon that subject was that he had not heard of those doubts, and he had seen no signs of them. He thought that Her Majesty's Government were quite as determined as ever they were to do all they could to improve the condition of, and give good government to, Cyprus, and to maintain it in the position in which it was at present. He had the same sympathy as some other hon. Members for the Hellenic race; but he did not think that having such sympathy was any reason whatever why Her Majesty's Government should throw over Cyprus. He was glad to inform the House that Her Majesty's Government had not the slightest intention to allow Hellenic intrigue to take root in Cyprus. They thought it was desirable for the good government of the Island that no such intrigues took place, and the Government would do its best to prevent them occurring. Having said this much, he hoped that the House would excuse him from entering further into the speech at that hour of the night; but he could assure the hon. Baronet, in conclusion, that if he had, from time to time, any complaint to make with regard to the government of Cyprus, either in general terms or in detail, the Foreign Office would be happy to receive any information which he could give. With regard to the Motion of the hon. Baronet, Her Majesty's Government did not make a practice of laying Ordinances before the House. They thought it would be better for the management of the Island that the Papers should not be laid before the House; but if the hon. Baronet was anxious to obtain them, the Government had no objection that the Ordinances referred to should be printed and put in the Library. At present, the Government had not arrived at any conclusive opinion as to the justice of those Ordinances. He would remind the House

Mr. Bourke

that those Ordinances had been passed by the Legislative Council; and what was passed by it was law, until it was rejected by Her Majesty's Government. All Ordinances passed were law in Cyprus, and it was impossible to do away with those Ordinances until experience had proved that they were inexpedient. At the same time, he had no objection to those Ordinances being made into a Parliamentary Paper.

SIR WILLIAM HARCOURT said, that it was a long time since any English Government had used such language as the hon. Gentleman the Under Secretary of State for Foreign Affairs had used that night on the subject of slavery; and the people of England would be astonished at such language being used on behalf of the Government with regard to slavery. The hon. Gentleman had said that he thought it possible that slavery existed in Cyprus, and that he had no doubt it did. He (Sir William Harcourt) should have thought that such a statement would have been followed by an assurance that Her Majesty's Government had taken the earliest step possible to do away with it. Not at all. The hon. Gentleman went on to say—"There is not much harm in it; it has not come to my knowledge that a case has come before the Courts." Was that the sort of thing that they had been used to hear in this country for the last 50 years on the subject of slavery? All the hon. Gentleman said was that the Legislative Council had not proposed to abolish it. The English Government was waiting for the Legislative Council of Cyprus to deal with such a matter as that. All the hon. Gentleman said was that the Government could not take the initiative, and would not send instructions to the Council of Cyprus to abolish slavery. The Government would not interfere with the initiative of the Legislative Council of Cyprus, but would wait until it thought proper to abolish slavery! It seemed to him (Sir William Harcourt) that that was a most extraordinary statement for the Government to make. First, it was said in that House that slavery existed in Cyprus, and then the Under Secretary of State for Foreign Affairs followed it up by saying that the Government waited for the initiative of the Legislative Council to abolish it. Why did the Government not put the matter in hand

at once, and abolish slavery, if such a thing as slavery existed? He said it was very probable that slavery did exist; but he did not think the Government should interfere to abolish it until the Legislative Council took some view in the matter. He (Sir William Harcourt) would venture to say that the English nation would be extremely surprised to find that such language as that was held by the English Government. For the first time for the last 50 years had such language as that been used. There were various observations with regard to Cyprus as to which the Under Secretary of State had given no reply. Upon the question of forced labour he had not said a single word. What did the right hon. Member for Bradford point out upon that subject? He pointed out that the Secretary of State had permitted the Governor of Cyprus to put penal liabilities upon the inhabitants in respect of forced labour. Although such a question as that demanded an answer, no reply to it had been given by the hon. Gentleman. As to the question of forbidding people who were not born Natives of Cyprus to hold land, perhaps the Government relied for its legal defence upon the hon. Member for Chippenham (Mr. Goldney). That hon. Gentleman was four days in Cyprus, and having spent four days in Cyprus, and having studied law, he made this monstrous assertion—that in that country foreigners could not hold land. Perhaps the hon. Member did not know that an Act of Parliament was passed some years ago permitting foreigners to hold land in England on the same terms, and in the same manner, as English subjects could do. Well, the hon. Member got up and defended this Ordinance in Cyprus, on the ground that the same law prevailed in England. That was all the explanation that had been offered upon this subject. With regard to the Ordinance to which his right hon. Friend the Member for Greenwich (Mr. Gladstone) had referred, as to exiling persons, what explanation had been given? It had been said that there was a perfect safeguard, because the Commissioner only had power to do it with the assent of the Legislative Council. What was the Legislative Council? They might just as well defend an act of Charles the First, because that King did it with the advice of the Star Cham-

ber. The Legislative Council was nothing more nor less than a Court of Star Chamber. There was no Representative Council, and it had no judicial character. It was not necessary that the Ordinance should have the slightest sanction; so long as the Council nominated by the Governor chose to agree with him these Ordinances might be passed. The explanation offered by the Under Secretary of State upon this subject had not removed one single objection to the Ordinances. The action of the Legislative Council was nothing more than that of a Star Chamber, proceeding conjointly with the High Commissioner; and he agreed with the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) that it was necessary to have debates upon that subject, in order to compel the Government to take proper views upon this question. The Government had had these Ordinances before them for many months. The question of slavery, and the question of forced labour, and the character of the Ordinances with regard to exile at the instance of the High Commissioner and the Legislative Council, had all been before them. But justice was not to be obtained in these matters from the consideration of Her Majesty's Government, and was only to be obtained by debates in that House. It was plain that, so long as Ordinances of this kind were made, the only thing that could be done was to have discussions of that kind, as that was the only way they could force Her Majesty's Government to give some consideration to these matters. It was clear that not one single word of these Ordinances which had been passed could be possibly retained. The policy of the Under Secretary of State would not hold water, when he stated that if there were bad laws in Cyprus it was not the fault of the Government, but they would be dealt with when occasion arose. He admitted that good laws must be more or less a question of time. But the worst laws were not those which it was necessary to abolish in Cyprus, but those which had been made for it. The complaint was that the Government were instituting laws which were worse than those which they abolished. That was the charge which was brought against these Ordinances and against the Government. These Ordinances, which his

hon. Friend the Member for Chelsea wished to have laid upon the Table, existed by the authority of Her Majesty's Government. No doubt, no Ordinance had been made upon the subject of slavery; but that was a question which could not be allowed to rest for one single day. He could not admit that the law which existed was right, and that it was possible to temporize with the matter. It was a shame and a scandal to the English Government that, as soon as their occupation of Cyprus took place, they did not put an end to slavery. Everyone remembered the manner in which Lord Palmerston made an impression upon other Governments in respect of slavery. What could England say in the face of another Government, after what had been stated by the Under Secretary of State, that they did not care much about this subject of slavery, and that the initiative of the abolition of slavery in the Island had been left to the Legislative Council? Then, with respect to the land laws, the Under Secretary of State stated that foreigners had been prohibited from holding land in Cyprus owing to the fear of land speculators. They had excluded foreigners from the Island; but he would venture to say that no land speculator would venture there. After the wretched experiments they had made in Cyprus, there would be very few land speculators venture there. It was plain that they would not go there, and the only residents that were remaining in Cyprus were the soldiers and officers and persons employed. The very last place that persons wishing to speculate in land would go to was Cyprus. He did not think that the defence which had been raised by the Under Secretary of State on that point was worth anything. With respect to the uncultivated land, the hon. Gentleman did not say much more than he had upon the question of forced labour. There were particular charges which had been brought against the Government; and as the Under Secretary of State had not answered them, he must be taken to have admitted them. In the same way, as Her Majesty's Government had not repealed these Ordinances, they must be considered to have approved of them. He hoped that they might gather this much consolation—that, at all events, his hon. Friend the Member for Chelsea

Sir William Harcourt

might have the satisfaction of feeling that the result that he had brought about had been to put an end to the mystery which had been maintained about these Ordinances to which he had objected.

THE CHANCELLOR OF THE EXCHEQUER said, he had never heard a more extraordinary misrepresentation of a speech in that House than that which the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) had made of the speech of his hon. Friend the Under Secretary of State for Foreign Affairs. Under ordinary circumstances, it would be worth while to pass by such statements with comparative indifference, because the House knew what such charges were worth. But, in the present case, it was important to notice what the hon. and learned Gentleman said, because it was calculated to produce a false and mischievous impression in this country, if it went forth, upon the authority of the hon. and learned Gentleman, that the effect of the observations of the Under Secretary of State on the part of the Government was that the Government tolerated slavery. He thought such a statement would be calculated to produce a very false and mischievous impression. There was no justification for the observations of the hon. and learned Gentleman in anything. What his hon. Friend the Under Secretary of State had said was what the Government had done upon this question. What his hon. Friend had stated was this—that if slavery had hitherto existed in Cyprus, no effect would now be given in the Courts of Justice to anything in the nature of a claim for the exercise of the right of a master over a slave. Did that show that the Government was indifferent to the existence of slavery? If slavery was not to be enforced, the power of a master over a slave came to an end. Whether it was necessary to pass any special Ordinance upon the subject was a question of a different character. He believed that it might very probably be thought right to pass such an Ordinance, as his hon. Friend the Under Secretary of State had already said. If that course was considered desirable, he had no doubt that it would be adopted; but as the matter at present stood, if no legal authority was given to enforce the rights of a master over his slave, slavery, for all practical purposes, came to an end

in Cyprus. That was very different from the statement which had been made, that the Government was indifferent to the existence of slavery. They wished to say, with regard to these matters, that the main considerations which hon. Gentlemen entirely left out of sight, in speaking of Cyprus, were these. The Government had come within a very short period—less than a year—into the administration of a country in which there were difficulties of every sort, and maladministration of every kind, to be dealt with and corrected. In order to bring the country into a proper condition it was absolutely necessary to exercise discretion, and to proceed with consideration. Many remarks of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) were made without taking these facts into consideration. The Government, above all things, considered that they ought to proceed carefully and tenderly in this matter. The Government, taking into account the difficulties of the situation, felt that it would not do instantly to disallow Ordinances with which they might not entirely agree. In all these matters consideration ought to be had for the men who had been working in the greatest difficulty, and who had introduced, he believed, more improvements in the government of the Island within the space of the last 10 or 11 months than had ever been applied to any other country in a similar space of time. But the Government was censured, not only for what it had done, but for what it had not done. It had been said that some of the Ordinances which had been introduced were very objectionable. But it should be remembered that in introducing a new system in circumstances of difficulty, it might be—as in this case it was—necessary to have recourse, for a time, to exceptional measures. With respect to the power of foreigners to acquire land, and matters of that sort, they were of a temporary character only. And he believed that they were calculated to prevent mischief being done, and were justified in that view. He thought that the spirit in which the Government had proceeded, and in what it would continue to proceed, was one which in its results could not fail to be beneficial and satisfactory.

SIR GEORGE CAMPBELL expressed his surprise that the right hon. Gentle-

man the Chancellor of the Exchequer had not used more decided language with regard to slavery. With regard to that part of the subject, there was no place for discretion, no time for consideration. He understood his hon. Friend the Under Secretary of State for Foreign Affairs (Mr. Bourke) to state that the Government would consider whether it was necessary to pass an Ordinance to abolish slavery; but that, in the meantime, the Courts would not recognize its existence. Why should not the Government instantly pass a law in Cyprus, as they had passed in India 40 years ago? He could not understand the hesitation of the Government in giving the House an assurance that this should be done. The result of the debate seemed to him to be, in effect, that they had to give up a military government of this Island to a military man, and to allow him to enforce his own ideas. That might be very right in Africa; but in a place like Cyprus he thought it was a mistake; but as the Government consented to give Papers on the matter, it was unnecessary to continue the debate longer. On the question of slavery, however, he did not think that the British Government had any discretion, or should take any time for consideration, but should give an assurance that no laws should be passed by which slavery should be totally done away with in Cyprus.

MR. GILES said, that, after the disfavour with which the occupation of Cyprus was received by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), it was not a little amusing now to witness the hon. Baronet's great anxiety for the welfare and good government of the Cypriotes. If one-half of the charges that he brought against the Government could be proved, it showed that the English were guilty of the greatest cruelty and tyranny; but that did not accord with the written testimony of Sir Garnet Wolseley; and he (Mr. Giles) would rather believe a high-minded gentleman like Sir Garnet Wolseley, than he would a zaptieh or a Greek priest. He had been a good deal abroad, and he had not failed to observe, in his converse with foreigners, that if there was one thing that struck an Englishman more than anything else, it was the feeling of respect that foreigners generally had for the just and

honourable dealings of the English. The right hon. Gentleman the Member for Greenwich had been very hard upon the hon. Member for Chippenham (Mr. Goldney), because he gave the House his experience of Cyprus, after having been there only four days. The right hon. Gentleman did not believe the testimony of an eye-witness; but he was ready to believe any charges in letters made by unknown correspondents; and as the conflict of testimony was so great, he (Mr. Giles) would suggest that the hon. Baronet the Member for Chelsea should himself go to Cyprus; and if four days were not long enough to enable him to get all the necessary information, let him remain there four weeks, and then come back and report to the House the results of his experience that day three months.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put.

Resolved, That an humble Address be presented to her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Ordinance No. VIII. of 1879, giving power to the Government of Cyprus to exile persons without trial:

Of the Ordinance No. VI. of 1878, prohibiting the sale of land to any but British or Turkish subjects:

And, of the Ordinance No. XVI. of 1879, confiscating uncultivated lands.

WAYS AND MEANS.

Resolution [June 19] *reported*, and *agreed to*:—Bill ordered to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Sir HENRY SELWIN-IBRETON.

Bill *presented*, and read the first time.

House adjourned at a quarter before Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 23rd June, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Marriages Confirmation (Her Majesty's Ships) * (124).

Committee—*Report*—Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment * (115); Inclosure Provisional Order (Matterdale Common) * (107); Inclosure Pro-

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visional Order (Redmoor and Golberdon Commons) * (109); Inclosure Provisional Order (East Stainmore Common) * (108); Local Government (Highways) Provisional Orders (Gloucester and Hereford) * (112); Local Government (Highways) Provisional Orders (Dorset, &c.) * (111); Local Government Provisional Orders (Castleton by Rochdale, &c.) * (114); Local Government (Ireland) Provisional Orders (Killarney, &c.) * (110); Local Government (Poor Law) Provisional Orders * (96).

Report—Supply of Drink on Credit * (84); Local Government Provisional Orders (Axminster Union, &c.) * (94); Local Government Provisional Orders (Abergavenny Union, &c.) * (103).

Third Reading—Prosecution of Offences * (121); Parliamentary Burghs (Scotland) * (90), and *passed*.

THE LATE PRINCE IMPERIAL. STATEMENT.

THE DUKE OF CAMBRIDGE: My Lords, before the Business of the House commences, I am very anxious to make a short statement with reference to the sad and painful circumstances connected with the death of the Prince Imperial, that we have all been deploring for the last few days. It is a subject on which I am sure there is but one feeling of sympathy for the illustrious Mother who has lost so much in losing her son, and of deep respect for the gallantry of that young man who unfortunately has come to this, I may say, untimely end. There is very great doubt as to the circumstances in which the Prince Imperial went to South Africa; and I think it is much to be deplored that that doubt should remain for a moment longer than necessary. Indeed, it seems to me that I should be neglecting my duty if I did not read to your Lordships two private letters which the unfortunate Prince took out with him as letters of introduction to Sir Bartle Frere and Lord Chelmsford from myself. They are private letters, and are the letters under which the Prince attached himself to the Army in Zululand—

“February 25, 1879.

“My dear Chelmsford,—This letter will be presented to you by the Prince Imperial, who is going out on his own account to see as much as he can of the coming campaign in Zululand. He is extremely anxious to go out, and wanted to be employed in our Army; but the Government did not consider that this could be sanctioned, but have sanctioned my writing to you and to Sir Bartle Frere to say that if you can show him kindness and render him assistance to see as much as he can with the columns in the field, I hope you will do so. He is a fine young

fellow, full of spirit and pluck, and having many old cadet friends in the Artillery, he will doubtless find no difficulty in getting on, and if you can help him in any other way, pray do so. My only anxiety on his account would be that he is too plucky and go-a-head.—I remain, my dear Chelmsford, yours most sincerely, GEORGE.”

That is the letter to Lord Chelmsford; and I should also like to read to your Lordships that which was addressed to Sir Bartle Frere in order that there may be no mistake—

“February 25, 1879.

“My dear Sir Bartle Frere,—I am anxious to make you acquainted with the Prince Imperial, who is about to proceed to Natal by tomorrow's packet to see as much as he can of the coming campaign in Zululand in the capacity of a spectator. He was anxious to serve in our Army, having been a cadet at Woolwich; but the Government did not think that this could be sanctioned. But no objection is made to his going out on his own account, and I am permitted to introduce him to you and to Lord Chelmsford in the hope and with my personal request that you will give him every help in your power to enable him to see what he can. I have written to Chelmsford to the same effect. He is a charming young man, full of spirit and energy, speaking English admirably, and the more you see of him the more you will like him. He has many young friends in the Artillery, and so I doubt not, with your and Chelmsford's kind assistance, he will get on well enough.—I remain, my dear Sir Bartle, yours most sincerely, GEORGE.”

My Lords, all I can say is, after having read these letters, that I think, so far as the authorities at home are concerned, everybody must feel that nothing has been done by them to place the unfortunate Prince in the position which, unhappily, resulted in his death. We all deplore, deeply deplore—I am sure that everyone in this House, every man, woman, and child in this country, everyone, from the Queen on the Throne down to her humblest subject, must feel and deeply deplore—what has occurred; but certainly, as far as the authorities are concerned here, I feel that nothing has been done to produce such a catastrophe as that which we now all so much lament. I have already said how deeply I sympathize with the bereaved Mother, and I am sure your Lordships fully share in that feeling.

THE EARL OF BEACONSFIELD: I am sure your Lordships have listened with much interest to the letters which have just been read by the illustrious Duke which he has thought it desirable to place before your Lordships' House, and which refer to a deplorable

calamity. Your Lordships must share with the illustrious Duke the regret which he expressed, and was experienced be the nation, when we heard of the death of a young Prince—and that, too, a foreign Prince—anxious to serve with Her Majesty's Colours in a distant land, and whose life has been, in my opinion, so cruelly and—I cannot help expressing my opinion—so needlessly sacrificed. Prince Napoleon, my Lords, lived long in this country. He was known to your Lordships and to the country generally. He received his military training at our institution at Woolwich, and he left behind him there a memory of bravery, of probity, of ability, of many virtues, and of many endearing qualities. I feel confident that, had opportunity been afforded, he would have shown the hereditary courage of the gallant nation of which he was a member. It is impossible, at a moment like this, that the thoughts of men should not be directed, as those of the illustrious Duke have been, to one who was the most deeply interested in the life of this young man so prematurely cut off. My Lords, I feel that on an occasion like the present any attempt at consolation must be fruitless; but the day may come when the sympathy of a free and great people may be appreciated by a desolate parent.

EARL GRANVILLE: I may be permitted to say one word on this very sad case. I think your Lordships will be glad that the illustrious Duke did what he has done on the present occasion. It must be a source of melancholy satisfaction to him to have proved the interest which he felt in the young Prince whose death we so greatly lament, and to have had the opportunity of paying a high tribute of praise to his personal character and qualities. I thoroughly agree with the noble Earl the Prime Minister—at all events, until we have some further explanation of the matter—in what he said as to a person of the young Prince's position and his youth having been placed in the circumstances which, unhappily, have proved fatal to him. I will only add that I entirely concur in the expression of opinion that, absolutely apart from any political feeling, the sympathy of this country is extended in the strongest manner to the illustrious Mother of the young Prince in her almost unparalleled affliction.

The Earl of Beaconsfield

EGYPT—ABDICATION OF THE KHE-DIVE.—QUESTION.

EARL GRANVILLE: Before your Lordships proceed to the Orders of the Day, I should wish to put to the noble Marquess the Secretary of State for Foreign Affairs a Question of which I have given him private Notice, and which refers to a subject which has been of great interest to Europe during the last six months. It is—Whether it is a fact that Her Majesty's Government have made to the Khedive any proposal that he should abdicate; and, if so, what answer was returned to that proposal?

THE MARQUESS OF SALISBURY: The negotiations are still going on, and I cannot give the noble Earl at the present moment any details on the subject; but I may say that England and France have advised the Khedive to abdicate in favour of his son, and that Germany, Austria, and Italy have supported that recommendation. No answer has yet been given by the Khedive.

THAMES RIVER (PREVENTION OF FLOODS) BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."

LORD TRURO rose to move—

"That it be an Instruction to the Committee on the Bill, that they have power to alter the Bill so as to charge to the rates of the Metropolis the cost of all works carried out on public property and the expense of works of exceptional character and cost that may be ordered to be executed on private property."

The noble Lord said, the Bill deserved special consideration for three reasons. Its leading principle was that the owners of river-side property were to be legally bound to prevent tidal overflow; and that was a reversal of the Common Law, as laid down by the High Court of Justice in 1876. The indiscriminate application of that principle would operate unequally upon private owners; and its application at all, in respect of public streets and places, to local vestries and district boards, would operate very unjustly, because so large an extent of river frontage was already protected by em-

bankments which had cost millions, and which had been paid for out of taxes and rates levied upon the whole Metropolitan area. Assuming the principle to be maintained, it ought to be applied so that no injustice was done either to individuals as owners, or to parishes and districts as parts of the Metropolis. The Bill introduced by the Metropolitan Board in 1877 went upon a different principle—that of throwing the responsibility for all property on vestries and district boards, and the cost on the local rates, unless the vestry or district board chose to lay a special rate on the property liable to be flooded, whether on the river-side or not. The Bill was opposed before a Select Committee of the other House, which, after an exhaustive inquiry, resolved that the works ought to be executed by the Metropolitan Board at the cost of the whole Metropolis. The Metropolitan Board refused to accept that conclusion, and sought to throw both responsibility and cost on river-side property, whoever might own it. If the compulsory execution of any works was a permanent injury to any owner, he might claim compensation, and whatever was awarded the Metropolitan Board would pay. It was, however, exceedingly improbable that compulsion would have to be resorted to on valuable property where heavy claims for compensation could arise; while it was certain that the cost of the works would be heaviest where the property was least valuable. The offer of the Board to pay compensation for permanent injury was, therefore, a shadowy, rather than a real acceptance of the Resolution of the Select Committee of 1877. The present Bill had passed the ordeal of another Select Committee; and that Committee had not thought it right, considering the changed character of the Bill, to support the finding of the previous Committee. But, except before the Committee, no attention had been directed to the new principle of the Bill, which was obviously capable of application to every tidal river in the country. Whether it was expedient or not to adopt that new principle, it was certain that so important a change ought not to be made in the law without a word being said on the subject in either House of Parliament, and the Members of that House would be glad to hear what

noble and learned Lords had to say on the subject. So recently as January, 1876, a judgment was delivered by the Lord Chief Justice and Mr. Justice Mellor in "*Hudson v. Tabor*," which was an action by an occupier against a proprietor of adjoining lands fronting to a creek communicating with the sea, and in which the tide flowed and re-flowed. A high tide occurred in March, 1874. The water flowed over the defendant's wall upon the land of the plaintiff, which was on a lower level, doing considerable damage, and it was to recover compensation that the action was brought. The question was whether the defendant was bound to maintain the wall, not only for his own protection, but for that of his neighbours. There was no evidence of prescriptive obligation; and the Court held there was no obligation upon a proprietor to maintain a dam for the protection of the occupier at Common Law. If that judgment be right, this Bill must be wrong; at all events, it ought not to be silently reversed in a Private Bill affecting the frontage of the Thames in the Metropolis. It was, of course, open to contention that, in some parts of London, there was a beneficial occupation of the river bank for the purposes of trade, and that the improvement of the navigation increased the value of river-side property. That argument was assumed as a possible justification for imposing a new obligation by statute. It was, perhaps, a consideration which weighed with the second Select Committee in accepting the principle of this Bill. Assuming that House to endorse the principle, the arguments of the Lord Chief Justice against it were equally strong as against its indiscriminate application. As was well known, property liable to be flooded had been in many places protected by Commissions, and the Lord Chief Justice said—

"Under those Commissions everyone is to contribute who may receive benefit or suffer loss, obviously a very different thing from throwing the whole burden on the frontager and making him liable for all the damage that may result from his own omission to keep up the sea wall. The equitable principle on which the assessment under such a Commission is made is in itself a strong argument against the position that the frontager is liable at Common Law. He may have only a narrow slip of land of comparatively little value; while behind him may be a proprietor having much more land and of greater value lying on the

same, or on a lower level, and liable to be overflowed if the sea wall is imperfect. It is obvious that the last owner ought, to some extent at least, to bear his share of the cost of maintaining defences against the sea. I think, therefore, the fact that the owner of land fronting the sea might be made liable under a Commission, by no means shows that, independently of a Royal Commission, such liability existed at Common Law, and we see nothing to warrant our holding it to exist. The proper remedy in such a case as this is to procure the issuing of a Commission in which, by an equitable adjustment, the interests of all parties may be secured."—[*Hudson v. Tabor*.]

This judgment had a most important bearing on the questions raised by this Bill, even assuming the judgment itself to be set aside in respect of the majority of private owners. The practical issue was, who was to stand in the place of a Commission in respect of public property? Who was to undertake whatever exceeded private obligation? The Metropolitan Board said—Itself for compensation; the local vestries and district boards for everything else. The Metropolitan Board relied on a judgment of the Court of Queen's Bench of June, 1877, in a case between one of these Commissions for Kent and the Plumstead District Board. The judgment was that, under the Local Management Act for the Metropolis, the district board might be held to have superseded the Commission in the district of Plumstead. The Committee of 1877, knowing of this judgment, and also of that in "*Hudson v. Tabor*," and conscious of all that had been done in London since 1855, and of the causes of the higher tides, said, substantially, by its Resolution, that the time had come when the Metropolitan Board must be regarded as the Commission for the Metropolis. The Board admitted that it ought to be for compensation. Then, on what principle could it make a distinction between compensation and any other charge in excess of private obligation? The words of the Lord Chief Justice had a special application to private owners in the districts of Fulham and Wandsworth, and still more to the districts themselves, where the works required were costly out of all proportion to the value of the property as compared with the cost and value in the centre of London. It was said that special rates might be levied on the property within the range of benefit; in other words, that little local Commissions

might be formed. But the localities and their districts were all parts of the Metropolis, and had contributed to defray the cost of all Metropolitan improvements for 25 years. And these higher tides were admittedly caused by Metropolitan improvements. Old London Bridge was a dam which kept back the tide; the water fell in cataracts beneath its arches, one way with the rising, and the reverse with the ebbing tide. The dam was removed; the river had been dredged and deepened for the improvement of the navigation; the embankments increased the momentum of the tide; a greater volume of water came up; improved agriculture expedited the descent of the land floods, which found no storage where the mud banks had been reclaimed and superseded by embankments; all these things had been done out of funds provided, in one way or another, by the Metropolis, to improve its communication by bridge, by street, by river; to improve it as a port; to improve its sanitary condition by relieving the river of its drainage; and, in the case of the embankment opposite that building, to protect that part of Lambeth from inundation. And yet it was now proposed that the local rates should bear all the expense of works that did not fall on private owners. Could anything be more inequitable? Nothing was professedly contemplated, but works sufficient to prevent overflow. Last year their cost was estimated to exceed £62,500. Of this, £12,500 had to be spent in Fulham; £14,200 in Poplar, including £8,400 on Bow Creek; £9,000 in Wandsworth, including £4,800 on the Wandle; and £11,400 in Greenwich, including £8,400 on Deptford Creek. Of course, no expenditure was required where the Victoria, the Albert, and the Chelsea Embankments now were. It was unnecessary to quote figures relating to their magnitude and their cost. Fulham, Wandsworth, Poplar, and Greenwich had already contributed to defray their cost. It was perfectly immaterial whether the embankments alone had, or had not, contributed to the floods—it required engineering subtlety to show that they had not—grant that they did not, was not their existence and history conclusive proof of the inequity of saddling local rates with the cost of any embankment, however partial? Was it not clear that the Me-

Metropolitan Board ought to constitute itself a Commission for this purpose for the whole Metropolis? It was the mere accident of possessing public streets and places by the river-side, which would make that Bill operate so oppressively upon the district of Fulham. It was the accident of having none, and the good fortune of having secured the Albert Embankment, that made the passing of this Bill immaterial to the vestry of Lambeth as representing the ratepayers. But, for all that, the vestry was not so selfish as to support the Bill as it stood. At a meeting last week, it passed a resolution, under seal, in favour of justice to Fulham and Wandsworth, as follows:—

"That, assuming the principle of the Thames Floods Bills to be maintained, and the responsibility of preventing overflow to be thrown upon the owners of river frontages, this vestry is still of opinion that the principle will operate very inequitably in respect of all frontages which, not being private property, are vested in vestries and district boards; therefore, this vestry, representing a parish which is already protected by the Albert Embankment, constructed at the cost of the Metropolis, as so large a portion of the other side of the river is by the Victoria and Chelsea Embankments, is strongly of opinion that all works exceeding the obligations of private owners ought to be executed by the Metropolitan Board of Works at the cost of the Metropolis, in accordance with the Report of the House of Commons' Select Committee of 1877."

It was for their Lordships to say whether, under all the circumstances, so far as the prevention of floods was concerned, all streets and public places by the river-side ought not to be vested in the Metropolitan Board. That principle had been strongly supported by *The Times* and by nearly the whole Metropolitan Press. It involved nothing inconsistent with the principle of private responsibility for private property, should the House think fit to change the law in that respect. There remained the third question of the compulsory improvement of private property—or, rather, the compulsory expenditure of money upon it, and making the capital and interest the first rent-charge for 30 years. Even should the property increase in value, it did not follow that an increased rent would be obtained during the continuance of an existing lease. It was taken for granted that the particular property upon which the expenditure was incurred would be proportionately increased in value, which by no means followed in some cases;

and if it were, it did not follow that an increased rent would be obtained during the continuance of an existing lease. But the rent-charge must be paid, whatever became of the owner; so that, if he could not bear the yearly charge, the property would be confiscated. Was it not obvious that if the main principle of the Bill be sustained, and if the responsibility of river-side owners was to be established, there ought to be some limit to the burden put upon a private owner for the protection of his neighbours? At all events, property ought not to be subjected to an annual charge, unless an obvious addition was made to its letting value, and that addition could be realized by the owner. If the expenditure must be incurred and the private owner ought not to bear it, it would clearly come within the same category as compensation, and be payable by the Metropolitan Board. Arbitration might also be extended to these cases. Without some further provision the door was left open to a serious invasion of the rights of private property. The noble Lord concluded by moving the Instruction to the Committee.

LORD SUDELEY supported the Bill, the principle of which, he said, had been acknowledged for the last 300 years. He would also point out that the principle of throwing the taxation on river-side owners had already been exhaustively dealt with by a Committee in the other House, which had come to the conclusion that as the Thames was a great navigable river, the navigation of which had been improved by dredging and other works, those who were chiefly benefited, and whose property had thus been materially improved, were those who should chiefly bear the cost. The cost of the works contemplated would not exceed the trifling sum of £55,000—a very different amount to what had been stated by the noble Lord, who appeared to think that it would cost many hundred thousand pounds. The Committee felt that it would not be just to spread the taxation over a large area; but it was recommended that if an owner, in carrying out certain improvements suggested by the Metropolitan Board of Works, suffered permanent damage to his works, he might obtain compensation; and this might be spread over the whole area. Their Lordships, perhaps, would be surprised

to hear that of 1,000 owners of river-side property, 600 had already done what was necessary in embanking the river. Out of 46 miles of river frontage, 27 miles had been completed, and only 19 remained to be dealt with. He utterly denied that the raising of the embankments had caused the rise in the tides. It had been shown conclusively that it was due to dredging. The Bill ought to go before the Committee unweighted with any such recommendation as that suggested; and if the objectors appeared before the Committee, their views would be impartially considered. It appeared to him that this Bill was a fair compromise, and would set aside the objection raised to the Bill introduced by the Metropolitan Board of Works in 1878.

THE BISHOP OF LONDON said, the issue raised was a very simple one. A large sum had been already expended by the Metropolitan Board out of the funds of the Metropolis in embanking portions of the river on both sides; and the owners and occupiers of the property on the river frontages that were not embanked, having contributed their full share of the expenses already incurred, thought it very hard, now that something was required to be done for the defence of their own property and districts, that they should be compelled to bear the whole expense of the works that the Board thought it necessary to order. The grievance was of two kinds: First, there were the local vestries and district boards representing ratepayers, who had contributed to the Metropolitan expenditure on its embankments, and who were now called upon, as local ratepayers, to bear the expense of protecting any public streets or footpaths by the river-side. The contention of these parishes and districts was that, at all events, all streets and public places should be taken charge of by the Metropolitan Board and protected at the expense of the Metropolitan ratepayers—that, in fact, the whole river-bank should for this purpose be vested in the Metropolitan Board. Next there were the private owners, who, as taxpayers and ratepayers, had already contributed to the cost of the embankments, and were now called upon to pay all the cost of preventing the tide overflowing their property, if not for their own protection, at least for

Lord Sudeley

that of their neighbours. This might be a trifling matter in some cases; but in others it would be a very serious one, and would involve a cost disproportionate to the value of the property. In these circumstances, the claim that was made in the proposed Order of Reference was most reasonable. In some cases protection of public property had been effected by private owners; but it was not just to ask that it should be continued at private expense for public benefit. It was most unfair to urge that what had been done in some cases pending the tardy action of the Metropolitan Board of Works furnished an argument for imposing a permanent obligation. He himself had done all, or more than all, that had been suggested by the Metropolitan Board; but what had been done would be required to be maintained and repaired, and this would be necessary on public as well as on private grounds. Therefore, he hoped the proposed Instruction would be allowed to go to the Committee, and that it would receive their best attention.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, his opinion from the first was that the Bill ought not to have been made a Private Bill. When the Bill came before him he expressed that opinion; he also inquired whether the usual Notices had been served, according to the practice in Private Bill legislation, and was surprised that they had not. However, as the Bill had been introduced in the other House and had passed through a Select Committee, he should rather object to the proposed Instruction, because it would be like telling the Committee what to do before both sides of the case had been fully heard. At the same time, the Bill was one which would require great care and attention. He thought it would have been far better had the Bill been introduced as a Public Bill.

The Instruction was not pressed.

Motion agreed to; Bill read 2^d accordingly, and committed; The Committee to be proposed by the Committee of Selection.

PUBLIC BUSINESS—NOTICE OF QUESTION—ORDERS OF DAY AND NOTICES.

LORD ORANMORE and BROWNE: To call attention to the continued dis-

turbed state of parts of Ireland; and to ask, Whether Her Majesty's Government deem that the time has arrived when measures should be taken to assert the supremacy of the law? and to move for a Return of all persons now receiving police protection in Ireland, and of police posts of constabulary located in disturbed districts; and a Return of farms now unoccupied from intimidation.

[Lord ORANMORE and BROWNE not being in his place when the Order was read,]

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he wished to draw attention to the fact that the noble Lord who had placed this Notice on the Paper, and who, the other evening had voted in the minority on the Motion that the House should commence its sittings at 4 o'clock, was absent from his place, though it was only 20 minutes past 6. The noble Lord, he supposed, had not thought fit to bring on his Motion that evening in consequence of the time occupied by the discussion on the Thames River (Prevention of Floods) Bill. He mentioned this to show how easy it would often be for the House, even under the present arrangements, to transact more Business than it sometimes did.

House adjourned at a quarter past
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 23rd June, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Omnibus Regulation* * [217].

Second Reading—Consolidated Fund (No. 4)*; Spirits * [203]; Inclosure Provisional Order (Whittington Common) * [207].

Committee—Army Discipline and Regulation [88]—R.P.

Committee—*Report*—Artizans' Dwellings Act (1868) Extension * [31-216].

Considered as amended—Third Reading—Salmon Fishery Law Amendment (No. 2) * [188], and passed.

Third Reading—Wormwood Scrubs Regulation * [205]; Sale of Food and Drugs Act (1875) Amendment * [139], and passed.

NOTICES OF QUESTIONS.

THE LATE PRINCE IMPERIAL.

SIR WILLIAM FRASER: I beg to give Notice that, on Thursday next, I shall ask the Secretary of State for War, Whether he will lay on the Table of the House a Copy of the Correspondence relating to the late Prince Imperial leaving this country for the seat of war; whether he will state the precise position of the Prince in, or in connection with, Her Majesty's Army; and, whether he will give at once, or so soon as they can be ascertained, the name and rank of the Officer by whom the Prince was put in orders on the 1st of June for the specific duty in the performance of which he lost his life?

SIR HENRY HAVELOCK: I will, to-morrow, ask the Secretary of State for War, with reference to the circumstances attending the lamented death of the late Prince Imperial, Whether he can inform the House what special instructions, if any, were issued by Lord Chelmsford on the occasion of the Prince leaving his head-quarters to join those of Brigadier General Wood; as to the particular duty on which the Prince was, or was not, to be employed; also, what instructions were issued to those under whom he was serving as to the precautions to be taken to prevent his incurring unnecessary risk, not called for either by his position or the circumstances of the Service; and, if he is unable to give the House any information on these subjects, whether he will cause inquiries upon them to be addressed to Lord Chelmsford, with a view of eliciting facts with regard to which a deep interest is felt in this House and the Country?

QUESTIONS.

EXPLOSIVES ACT, 1875—IRELAND.

QUESTION.

MR. CHARLES LEWIS asked the Chief Secretary for Ireland, Whether he has taken into consideration the statements contained in the Petition of the Londonderry Board of Guardians, a copy of which was presented to him on the 11th February, as to the expensive mode of carrying out "The Explosives Act, 1875," in the rural districts, five in-

spectors in the area of that board having been appointed at the aggregate salary of £47 10s. per annum, whose duties are confined to the inspection of (in all) four retail shops registered for the sale of gunpowder, having a probable sale of £10 worth of gunpowder in the year only; whether similar representations have not been made by other Boards of Guardians in Petitions and otherwise; and, whether the Government is prepared to take steps to remove such grievance by transferring the duty of inspection to the sanitary officers of the Union or to the constabulary?

MR. J. LOWTHER: Sir, the Government have received the Petition from Londonderry, to which the hon. Gentleman refers, on the subject of the manner of carrying out in Ireland the Explosives Act of 1875, and they have also received communications from other quarters which have their careful attention. On the whole, I am disposed to concur with the hon. Gentleman in thinking that the constabulary would be the best authority to carry out the duty of inspection. If, therefore, there is a general concurrence of opinion in that direction, I should be prepared to introduce a Bill upon the subject; but if it is to give rise to controversy, I should hesitate to embark upon the question at this period of the Session.

NATIONAL EDUCATION (IRELAND)— ASSISTANT TEACHERS.—QUESTION.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If he is aware that the notice recently issued by the managers of national schools in Ireland by the National Board, whereby the services of an assistant teacher in any school is made dependent upon an average attendance of at least seventy pupils, is regarded generally by the managers of those schools as detrimental to the interests of education; if he will state what object the Commissioners have had in augmenting the amount of attendance required in these cases from fifty to seventy in female schools, and from sixty to seventy in male schools; and, whether the Commissioners are legally empowered to make the foregoing alteration?

MR. J. LOWTHER: Yes, Sir; I am aware of the circular referred to, and, in my opinion, it is decidedly a step in the right direction. In England, one

assistant teacher is allowed to each 100 pupils only; and, therefore, at a time when additions to other branches of educational expenditure in Ireland are being urged upon the Government, it appears especially necessary to take advantage of legitimate opportunities for effecting corresponding retrenchments. I am not aware of any legal impediment to the action of the Commissioners in this matter.

FISHERIES (IRELAND) — THE SLIGO AND BONET FISHERIES.—QUESTION.

MAJOR O'BEIRNE asked the Chief Secretary for Ireland, If he would cause an investigation to be held into the manner in which the fisheries of the Sligo fisheries and the Bonet river, county Leitrim, have been managed by Mr. Brady, Inspector of Fisheries, having regard to the fact that it has been shown by a Return furnished to the Government at an inspection ordered by the Chief Secretary for Ireland, that the quantity of salmon taken in these fisheries has considerably diminished since the year 1862 up to the present date in consequence of bye-laws enacted by Mr. Brady?

MR. J. LOWTHER: Sir, I see no occasion for any special inquiry into these matters. Inquiries have, from time to time, been held, not by Mr. Brady alone, as the hon. and gallant Gentleman appears to think, but by never less than two, and usually by three, Inspectors of Fisheries. Any person desiring to call in question the decision of the Inspectors has the right of appeal to the Lord Lieutenant in Council, and, in certain circumstances, to the Court of Queen's Bench, so that there appears to be no necessity for any further action on the part of the Government.

POST OFFICE—POSTAL SAVINGS BANKS.—QUESTION.

MR. WAIT asked the Postmaster General, When he will be prepared to introduce his promised Bill respecting Postal Savings Banks; and, whether it is intended in such Bill to enlarge the powers of these useful Banks, especially in the direction of extending the present very limited amount allowed to stand in each depositor's name?

LORD JOHN MANNERS: Sir, in the present state of Public Business, I

Mr. Charles Lewis

fear I could not name any time for the introduction of this measure, and it is a measure which it is not worth while introducing unless there is a prospect of its passing into law. With regard to the second part of the Question of the hon. Member, I have to state that I have already replied to a similar interpellation in the affirmative.

COLONIAL DEFENCES—LOANS.
QUESTION.

COLONEL ARBUTHNOT asked the First Lord of the Admiralty, Whether any and what sums have been issued by the Treasury to the account of the Admiralty for Colonial Defence under the powers of "The Colonial Docks (Loans) Act, 1865," and at what Colonial Ports have such sums been expended; and, whether any applications for loans under the above-named Act have been made and refused; and, if so, by what Colonies such applications have been made, and on what grounds they have been refused?

MR. W. H. SMITH: Sir, the Colonial Docks (Loans) Act of 1865 in no way relates to Colonial defences. The Act was passed to enable loans to be made to Colonies in aid of the formation of docks of dimensions greater than would be requisite for private or commercial purposes, and so render them available for men-of-war. Under this Act, £12,000 has been loaned to the Whampoa Dock Company and £20,000 to the Anglo-Maltese Hydraulic Dock Company at Malta. No applications have been received and refused.

ARMY—COMMITTEE ON SERVICE OF
OFFICERS UNDER AGE.
QUESTION.

COLONEL ARBUTHNOT asked the Secretary of State for War, Whether he has yet considered the Report of the Committee which inquired into the question of the service of Officers under twenty years of age and other matters raised in the Debate of the 3rd of March; if he has arrived at any decision on those points; and, whether he has any objection to lay the Report upon the Table?

COLONEL STANLEY: Sir, I have received the Report of the Committee; but my opportunities of considering it have been rather limited. I have, therefore,

not arrived at any decision on those points; and, under these circumstances, it would be premature for me to express an opinion as to whether I will lay the Report on the Table or not.

COLONEL ARBUTHNOT: If convenient to the right hon. and gallant Gentleman, I will repeat the Question a fortnight hence.

FISHERIES (IRELAND)—LOANS TO
CLARE FISHERMEN.

QUESTION.

LORD FRANCIS CONYNGHAM asked the Chief Secretary for Ireland, If he would mention the date of the request to the Board of Works in Ireland for a Report on the subject of the difficulties which had arisen with regard to loans to Clare fishermen; and, when such Report will be ready, and whether he will lay it upon the Table of the House at the earliest possible moment?

MR. J. LOWTHER: Sir, I understand from the Board of Works that they have not received any request for a Report upon this subject, and I fancy there must be some mistake.

LAW AND JUSTICE (IRELAND)—
CORONERSHIP OF LIMERICK.

QUESTIONS.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If there is any truth in the following paragraph, which appeared in the "Cork Examiner" of the 13th instant, in reference to the Limerick coronership:—

"The Irish Chief Secretary has telegraphed to a prominent Conservative gentleman of Limerick respecting the probabilities of the election to the office of coroner of John Sarsfield Casey, ex-Fenian prisoner. The Irish Attorney General was consulted this evening as to the legality of the candidature, and the possibility of invalidating the election should Mr. Casey be chosen. The delay in filling the office is owing solely to the knowledge that such a candidate would be in the field with the prospect of securing a majority of the votes. Inquiries had been made on the subject, but it is believed the Government were misinformed, or they would have allowed the vacancy to continue still longer."

whether, if Mr. Casey, who possesses the necessary property qualification, should be chosen, his election can be invalidated; and, whether the Irish Government will take the necessary steps to have the election carried out without further delay?

MR. CALLAN: Before the Question is answered, I would wish to ask if it is not a fact that the Lord Chancellor of Ireland is affording every facility for having the writ issued at the earliest possible opportunity?

MR. J. LOWTHER: Sir, the newspaper paragraph, which is quoted, I presume, correctly, but which I do not happen to have ever seen myself, has not a word of truth in it from beginning to end. The facts of the case are that the attention of the Government was called to the vacancy by the hon. Member for Dundalk (Mr. Callan), and I addressed a communication last month to the Lieutenant of the county, Lord Emly, requesting that the necessary steps should be taken for filling it up. This is all that I can do in the matter. As to the qualification, legal or otherwise, of any candidate, I have no information, and would rather express no opinion at present.

POOR LAW MEDICAL RELIEF (SCOTLAND).—QUESTION.

SIR WILLIAM CUNINGHAME asked Mr. Chancellor of the Exchequer, In what respects the position of poor law medical relief in Scotland differs so materially from that of England as to justify a smaller proportionate Grant in aid; and, whether, if the Scotch system requires amendment, it may not be amended and satisfaction given to Scotland in the matter without waiting for the Poor Law (Scotland) Amendment Bill?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in England, the Guardians are required, by the orders of the Local Government Board, made under the Poor Law Act, to appoint a medical officer for every workhouse, and also a separate medical officer for each relief district—of which there may be several—within the Union. Their districts are arranged under the sanction of the Board, and cannot be altered without such sanction. The duties of these officers are prescribed by the Local Government Board under statutory power, and their approval of every appointment is likewise required. The officers hold their appointments for life, and can only be dismissed by or with the consent of the Local Government Board. The only legal provision in

Scotland as regards Poor Law medical officers is that every parish or combination is required, out of the funds raised for the relief of the poor, to provide for medicine and medical attendance for the poor in such manner and to such extent as may seem equitable and expedient. There is a grant in aid of £10,000 for medical officers in Scotland, which is distributed by the Board of Supervision, who require that a medical officer should be appointed in all cases where the grant is awarded. The Board of Supervision, however, exercise no control over the appointments, the salaries, or the tenure of office, nor can they prescribe the duties. The Board of Supervision might, no doubt, prescribe conditions under which the grant would be made, and withhold it where those conditions were not complied with; but, without legislation, it is quite clear that medical Poor Law appointments in Scotland could not be put upon the same footing as in England.

SOUTH AFRICA—SIR BARTLE FRERE'S DESPATCHES.—QUESTION.

MR. MUNDELLA asked the Secretary of State for the Colonies, Whether any Replies have been received to his Despatches to Sir Bartle Frere, dated March 19th and 20th; and, if so, whether he will communicate the same to the House?

SIR MICHAEL HICKS-BEACH: Sir, my despatch of the 20th of March to Sir Bartle Frere has been acknowledged; but no reply has been received to the despatch of the 19th of March. It is, perhaps, but right to say that those despatches must have reached Sir Bartle Frere when he was on the point of leaving Pretoria or on his journey to Cape Town, and he might not have had an opportunity of replying until he reached Cape Town.

ARMY—YEOMANRY, &c.—ADJUTANTS. QUESTION.

MR. DALRYMPLE asked the Financial Secretary of the War Department, Whether his attention has been called to the fact that, while Adjutants of Artillery, Engineer, and Rifle Volunteers, who are Captains in the Army, receive pay at regimental rates, Adjutants of Yeomanry, Light Horse, and Mounted

Rifle Volunteers receive pay at ten shillings, in some cases only at seven shillings, a-day, the Adjutants of Mounted Corps, who have numerous extra duties to perform without any assistance whatever, being thus in a worse position than those of other branches?

COLONEL LOYD LINDSAY: Sir, the difference in the rate of pay and allowances between adjutants of Light Horse and Mounted Rifle Volunteers on the one side and adjutants of Artillery, Engineers, and Rifle Volunteers on the other side, is owing to the fact that the latter officers have recruiting duties for the Regular Army to perform, and having higher duties, have also a higher rate of pay. The pay of adjutants of the Yeomanry was materially increased in 1876, in accordance with the recommendation of the Yeomanry Committee. The pay is less than that of captains of Cavalry, but the duties are less; and the adjutants of Yeomanry have only to provide one horse, while the captains of Cavalry have to provide three.

AFGHANISTAN—THE TREATY.

QUESTIONS.

SIR ALEXANDER GORDON asked the Under Secretary of State for India, Whether a Summary, or Précis of the terms of the Treaty recently concluded with the Ameer of Afghanistan has yet been received at the India Office; and, if so, whether he will lay a Copy upon the Table of the House; and, when he expects to be able to lay upon the Table of the House a complete Copy of the Treaty in question?

MR. E. STANHOPE, in reply, said, the Government had not yet received the terms of the Treaty with the Ameer of Afghanistan; but the summary given in the daily papers was substantially correct. He expected a full copy of the Treaty by every mail, and as soon as it arrived it would be laid, with other Papers, on the Table of the House.

SIR ALEXANDER GORDON asked, Whether the Government would also lay on the Table a map showing the extent of territory ceded to England?

TURKEY—CRETE—MURDER OF MR. W. ANDERSON.—QUESTIONS.

MR. G. HOWARD asked the Under Secretary of State for Foreign Affairs, Whether the investigation into the mur-

der of Mr. William Anderson, manager of the Telegraph Station at Canea in Crete, and of his clerk Nicholas Vlackaki, who were shot on December 14th 1878, is now definitely completed; and, if so, whether he will lay the Papers on the subject before Parliament; and, if, however, the inquiry is still open, will he inform the House what steps Her Majesty's Government are taking to bring the perpetrators of the crime to justice?

MR. BOURKE: Sir, Her Majesty's Government has felt the deepest interest from the first in this very lamentable affair, and from the information they have received it is impossible to arrive at any other conclusion than that the local authorities seem to have done their best to discover the perpetrators of the murders, but, I am sorry to say, without success. I do not like to say that the inquiry is absolutely closed. At the same time, there does not seem any probability at present of the murderers being discovered. I have no objection to lay the Papers on the Table of the House?

MR. VANS AGNEW asked, Whether the Government has made, or will make, any demand on the Turkish Government for pecuniary compensation for the family of the late Mr. Anderson?

MR. BOURKE: Sir, that is a very different subject, and one certainly that has not received as yet the attention of Her Majesty's Government.

CIVIL SERVICE ESTIMATES, CLASS IV. —THE QUEEN'S COLLEGES AND THE QUEEN'S UNIVERSITY (IRELAND).

QUESTION.

MR. O'DONNELL asked the Secretary to the Treasury, If he will furnish the House with the items of expenditure in the Queen's Colleges and Queen's University, Ireland, for which more than £12,000 are annually voted in Estimates, but of which no details have been given to the Committee of Supply?

SIR HENRY SELWIN-IBBETSON: Sir, I have no objection to give some further details with regard to the Votes for the Queen's Colleges. But with regard to the Queen's University, I think the hon. Gentleman will see, on looking to the Estimates, that all reasonable explanations of that Vote are already furnished.

POST OFFICE—CONTRACT WITH THE PENINSULAR AND ORIENTAL COMPANY.—QUESTION.

MR. DALRYMPLE asked the Postmaster General, Whether, looking to the largely increased subsidy which the Country is to pay under the new Postal Contract with the Peninsular and Oriental Company for a nominally accelerated service, the stoppage which it is proposed to allow at Hongkong on the homeward voyage will not entirely neutralise the gain in sea and speed; and, whether the practical working of the service will not be that at the season when it suits the Peninsular and Oriental Company to avail themselves of the stoppage, they will remain at Hongkong and other ports to load cargo, to the detriment of unsubsidised rivals; but when it does not suit the Company to remain because there is no cargo to be had, they will obtain the sanction of local postmasters to an earlier start, and make the voyage at reduced speed, with less cost to themselves, while they are all the time paid by the Country for fast speed?

LORD JOHN MANNERS: Sir, the subsidy to be paid to the Peninsular and Oriental Company under the new contract will be much less, and not more, than the sum now paid. The period fixed for the stay of the Peninsular and Oriental Packet at Hong Kong under the new contract was stipulated for in the Company's tender. It will not be in the power of the Company to obtain more time for steaming by shortening their stay at Hong Kong; because in reckoning the duration of each voyage the actual stop only, and not the nominal stop fixed in the time-table, will be taken into account.

INDIA—TENDERS FOR SUPPLIES.

QUESTION.

ADMIRAL EGERTON asked the Under Secretary of State for India, Whether it is true that in April last an application was received at the India Office from Messrs. Dudley, manufacturers, of Norbriggs Works, Chesterfield, for a form of tender for certain articles required for India, to which for several days no answer was returned; and, whether in the meantime the order for the goods was given to contractors in-

stead of direct to makers; and whether, if so, this proceeding is in accordance with the usual rules governing such matters?

MR. E. STANHOPE: Sir, it is true that an application was received from Messrs. Dudley, in April last, for a form of tender. But the matter was very urgent, the articles being required for the Afghan War. In these circumstances, the usual rule of inviting tenders was departed from, and arrangements were made in a few hours with certain firms who had recently supplied similar articles to the Department, and who could be trusted to supply them at once. The application from Messrs. Dudley was not received until the arrangements were completed; but I have to express my regret at no answer having been at once sent to them.

TURKEY—MURDER OF MR. OGLE.

QUESTION.

MR. H. SAMUELSON asked Mr. Chancellor of the Exchequer, If he can now state to the House when Her Majesty's Government intend to re-open the inquiry into the murder of Mr. C. C. Ogle in Thessaly, which took place on the 30th of March last year, and to take steps to bring the perpetrators of the crime to justice?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have communicated with my noble Friend the Secretary of State for Foreign Affairs on this matter, and he informs me that he considers the state of the country is at present in too disturbed a state to allow of such an inquiry being instituted.

INDIA—THE COUNCIL OF THE GOVERNOR GENERAL.—QUESTIONS.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, If he has any objection to give a Return showing the cases in which the Governor General of India has over-ruled the majority of his Council in regard to any measures submitted to them since the passing of the Act 3 and 4 Will. 4, c. 35, with the nature of the measure, and the reasons for which the Governor General exercised the extraordinary powers vested in him by the above and succeeding Laws in each case?

MR. E. STANHOPE: Sir, without reference to India, it is impossible to say whether such a Return can be given or not; and, in any case, I am informed that it would give a somewhat misleading idea of the effect of the power of the Governor General to overrule his Council. I could not, therefore, have assented to the Motion for a Return which the hon. Member placed upon the Paper.

SIR GEORGE CAMPBELL asked, Whether the Under Secretary of State for India will make inquiries as to the possibility of giving some information of the kind referred to?

MR. E. STANHOPE: I shall be very glad to make inquiries in India.

INDIA—THE PORTUGUESE COLONIES— CUSTOMS TARIFF.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, If he can explain the nature of the Treaty creating a Customs Union between the Portuguese Colonies and British India, and for the concession of a Railway from Goa to Bellary, concluded on the 26th of December last, and just passed through the Portuguese Cortes; and, can say whether these arrangements are to be submitted to this House also, or to the Legislative Council of India?

MR. E. STANHOPE: Sir, this Treaty contains many administrative arrangements of an important but complicated character, which it would be impossible for me to explain in an answer to a Question. But I can assure the hon. Member that the Treaty shall be laid upon the Table as soon as official information is received that it has been ratified. The Governor General of India in Council had full opportunity of considering the arrangement before it came before the Portuguese Cortes.

AGRICULTURAL DISTRESS (IRELAND). QUESTION.

MR. O'DONNELL asked the Chief Secretary for Ireland, Whether his attention has been directed to numerous declarations by boards of guardians and other public bodies in Ireland stating that the extreme agricultural distress menaces large sections of the agricultural population with ruin, unless a

generous abatement of rents is granted; whether he has been informed that the Catholic bishops and clergy in Galway, Tipperary, Kerry, Waterford, and other centres of agricultural industry have also declared the inability of the tenantry to pay existing rents in the present severe distress; and, whether the Government propose to take any steps to alleviate the existing distress in Ireland?

MR. J. LOWTHER: Sir, my attention has been called to the various expressions of lay opinion referred to in the first portion of the Question; but with respect to the expressions of clerical opinion alluded to later on, I have no official information, or, in fact, any knowledge at all. I need hardly say that it is a matter of deep concern to Her Majesty's Government that, unhappily, distress exists in agricultural circles in many parts of the United Kingdom; but it is a satisfaction to the Irish branch of the Government that we have reason to believe that this distress, though unhappily prevailing, is less acutely felt in Ireland than in many other parts of the Kingdom. As the hon. Member and the House are aware, an opportunity will shortly occur for the whole subject being fully considered in its entirety by the House, and, therefore, I will not enter into it at present. If, however, I rightly understand the hon. Gentleman in the last part of his Question, to ask whether the Government intend to introduce a Bill for the reduction of rents, my answer is, certainly not.

MR. O'DONNELL: I protest entirely against the implication involved at the end of the right hon. Gentleman's answer, and I think he has treated with very unjustifiable levity a very grave subject. ["Order!"]

LOCAL GOVERNMENT BOARD — ANNUAL REPORT.—QUESTION.

SIR UGHTRED KAY-SHUTTLEWORTH asked the President of the Local Government Board, in reference to his recent announcement that the Annual Report of the Board would be published considerably earlier than in previous years, Whether he can state how soon it will be in the hands of Members?

MR. SCLATER-BOOTH, in reply, said, that he should be happy to redeem the pledge he gave on a former occasion. The whole of the Report was in type, or would be so before the end of the week. Some time would be required for its revision; but he hoped it would be in the hands of hon. Members in about three or four weeks.

BRAZIL—BRITISH CLAIMS.

QUESTION.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, Whether negotiations are still going on with Brazil for the settlement of the long pending British claims, and what prospects there are of an early settlement?

MR. BOURKE: Yes, Sir; negotiations still are going on for the settlement of these long pending claims. The Commission to which they have been referred has made considerable progress, as we are informed, and I am happy to inform the hon. Member that there is some hope that in a short time a satisfactory arrangement may be arrived at.

NAVY—ROYAL MARINES—OFFICERS.

QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, If it be the fact that several officers of Marines on the active list who were selected for service in South Africa were found unfit for active service, and that in some cases the disability was not of a temporary character; and, whether he intends allowing officers unable to go on active service to remain on the active list, and if the effect of doing so would not be very soon to cause other officers, quite able for active service, to be compulsorily retired?

MR. W. H. SMITH: Sir, it is the fact that some of the officers who were selected for service in South Africa were found, on medical examination, to be less fit than others for the peculiar service for which they were designated. The examination, however, was of a very severe character, and I have reason to believe that many of the officers who were passed over in consequence are perfectly fit for the discharge of the ordinary duties of Marine officers. If,

however, it should turn out that any of them are physically unfit for general service, they will be retired.

BANKRUPTCY ACT—COMPTROLLER'S REPORT.—QUESTION.

MR. OSBORNE MORGAN asked Mr. Attorney General, Whether, in view of the state of things disclosed by the recent Report of the Comptroller in Bankruptcy, and particularly in view of the fact therein stated, that—

"The actual loss by bad debts in cases under the present Bankruptcy Act for the year 1879 (exclusive of losses from Scotch and Irish insolvency, Joint Stock Companies, deceased insolvents, private arrangements, and the many thousands of small insolvencies not dealt with under the present Bankruptcy Law) will be about twenty-five millions sterling,"

he can hold out any hope to the House that any measure of Bankruptcy reform will be discussed or proceeded with during the present Session?

THE ATTORNEY GENERAL (Sir JOHN HOLKER), in reply, said, the state of things disclosed by the recent Report of the Comptroller in Bankruptcy was certainly very lamentable, and showed the necessity for legislation. After the Army Bill was disposed of, he hoped there would still remain sufficient time to pass the Bankruptcy Act Amendment Bill, which had already passed through the other House of Parliament.

NAVY—THE ARCTIC SHIP "RESOLUTE."

QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether it is true, as stated in the "Daily Telegraph," that Her Majesty's Arctic ship "Resolute" is to be broken up; and, whether the Admiralty would be prepared to consider an application to transfer the ship to a committee for the purpose of mooring her off the Temple Pier and turning her into a training ship for metropolitan boys?

MR. W. H. SMITH: Sir, the *Resolute* has been ordered to be taken to pieces, and any sound timber that may be found in her will be used for conversion into a piece of furniture to be presented to the President of the United States, as it was by his order that the ship was restored to this country after having been lost in the Arctic Seas. She was a merchant vessel, bought into our Navy

for Arctic research. She is now rotten and decayed, and would require a large expenditure to keep her afloat; but, from the condition of her timbers, and her small size—420 tons—she would be quite unsuited for a training ship.

RAILWAYS AND CANALS—THROUGH RATES.—QUESTION.

MR. ARTHUR PEEL asked the President of the Board of Trade, Whether his attention has been directed to a decision given in the Exchequer Division of the High Court of Justice on the 18th of June last, in the case of the Warwick and Birmingham Canal Navigation Company and others, the London and North Western Railway Company and others, and the Warwick and Birmingham Canal, &c.; whether, if the state of the Law is such as is therein indicated, one of the main purposes of "The Regulation of Railways Act, 1873," namely, to facilitate "through" rates and "through" traffic on Canals as well as on Railways is not practically rendered nugatory; and, whether, in the event of this decision being upheld, it will be necessary to amend the law in this respect?

VISCOUNT SANDON: Until a decision has been given by the last Court of Appeal, I do not think I should be right in expressing an opinion on this subject, or in saying what course the Government would propose to pursue if the decision of the Exchequer Division is maintained. As far as the interest of commerce is concerned, the matter is certainly a serious one; and I can assure the hon. Gentleman that I do not under-rate, by any means, its importance.

EGYPT—ABDICATION OF THE KHE-DIVE.—QUESTIONS.

MR. OTWAY: I have no wish to repeat generally the Questions which I put to the Government on Friday last as to the state of affairs in Egypt. I desire to avoid anything that can cause embarrassment to Her Majesty's Government in matters concerning which negotiations may be being carried on. I will, therefore, content myself with asking the Under Secretary of State for Foreign Affairs if he is prepared to make any statement or to give any information as to the present state of matters in Egypt, especially

of matters relating to the reported abdication of the Khedive, and the concurrence of various Powers of Europe in that step? I will also ask, When the Papers relating to Egyptian matters will be laid on the Table?

MR. BOURKE: Sir, I am much obliged to my hon. Friend for asking the Question in the form in which he has asked it. The English and French Governments have recommended the Khedive to abdicate, and that recommendation has been supported by the Governments of Germany, Austria, and Italy. We have not yet received the answer of the Khedive. With regard to the Papers asked for by my hon. Friend, he will see, of course, from the state in which I have described the negotiations to be at present, that I cannot at this moment name any particular day when the Papers will be presented. They will be presented at the earliest time that is consistent with the interests of the Public Service.

SIR JULIAN GOLDSMID: Will the hon. Gentleman say why the Government asked the Khedive to resign?

MR. SPEAKER: I must point out to the hon. Baronet that he is now asking for the opinion of the Government, which goes beyond the limits of a Question.

MR. JOHN BRIGHT: I wish to ask Mr. Chancellor of the Exchequer, as Leader of the House and Chief Minister here of the Party he represents, Whether he will take an early opportunity of telling the House distinctly what is the purpose and policy of the Government with regard to Egypt? ["Order!"] I will not break the Orders of the House, but I wish for information with regard to two points. Some say the bondholder is the object of Ministerial affection, and some say the condition of the population of Egypt excites the Government to interfere in Egyptian matters. I think it will be of great advantage to the House and the country that we should know what is the exact object of the intermeddling which has taken place, and which many of us fear may lead to great difficulty and, perhaps, disaster. If the right hon. Gentleman will give that information now I should be glad. If not, perhaps he will give it on some convenient day?

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman and the House must perceive that it would

be quite impossible for me to answer the Question of the right hon. Gentleman without giving occasion for a debate and a discussion; and I do not think it would be for the convenience of the House that such a discussion should be initiated without some Notice. At the present time, I must say, it would be very inconvenient, and, indeed, impossible, for the Government to enter into such a discussion in the actual state of affairs, although we shall be anxious, as soon as we can do so without getting into complications with other Powers, to make such a statement as is desired by the right hon. Gentleman.

MR. COURTNEY said, the Under Secretary of State for Foreign Affairs had just told the House that the Governments of England and France had joined in recommending the Khedive to abdicate. Would the hon. Gentleman further inform the House whether the recommendation was that the Khedive should abdicate in favour of his son, or whether he should simply place his resignation in the hands of the Porte?

MR. BOURKE: It is impossible to answer that Question at present.

THE MARQUESS OF HARTINGTON: I beg to give Notice that I will, on Thursday, ask Mr. Chancellor of the Exchequer, Whether he can state with whom negotiations, to which reference has been made by the Under Secretary of State for Foreign Affairs in his reply on the subject of Egypt, are at present going on? I will also repeat, in another form, the Question put by my hon. Friend the Member for Rochester, which I think was not quite understood, On what ground the application to the Khedive to resign has been made? I have not the slightest intention to say anything to provoke discussion at present. In justice to the Government, I think it right to state that, if they are not able to afford more detailed information upon this question to the House on Thursday next, it is extremely probable—in fact, it will be almost necessary—that an immediate, although, perhaps, an irregular, discussion should take place. We cannot, of course, call upon the Government to say anything which, in their opinion, would be prejudicial to the interests of the Public Service; but the Government will have to bear in mind that the House are in possession of information respecting not only negotia-

tions, but also actions, which, although extremely imperfect, are of such a character that many hon. Members feel they would be wanting in their public duty if they were not to take the earliest opportunity of expressing their opinion with regard to what has taken place.

TURKEY AND GREECE—THE PAPERS. QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, When the Greek Papers will be in the hands of Members?

MR. BOURKE, in reply, said, that these Papers would, he hoped, be in the hands of Members on Friday; or, if not then, very soon after.

POST OFFICE STATISTICS—INDIA AND CHINA MAILS.—QUESTION.

MR. J. HOLMS asked the Postmaster General, What was the amount received for postages to and from India, China, and Australia respectively, during the last year of which the statistics are complete?

LORD JOHN MANNERS: Sir, the gross receipts on account of sea postage, to which I presume the hon. Member refers, on mails to and from India and China respectively, for the year ended the 31st of March, 1876, the last year for which statistics are complete, were as follows:—India, £114,401; China and other places served by Peninsular and Oriental packets, £63,534. These amounts, however, are subject to considerable deductions in respect of the share of sea postage due to India. As regards Australia and New Zealand, the sea postage received on the outward mails *via* Suez for the same year was £30,976, the whole of which was handed over to those Colonies. The amount of sea postage on the homeward mails cannot be stated, as the entire collections are retained by the Colonies.

LANDLORD AND TENANT (IRELAND) —THREATENED EVICTION OF A PRIEST.—QUESTIONS.

MR. VERNER asked the Chief Secretary for Ireland, If his attention has been called to a letter which appeared in the "Freeman's Journal" of 17th June last, from the Reverend Thomas Fenlon, Roman Catholic Priest, Rose-

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nallis, Queen's County, and headed "Threatened Eviction of a Priest," in which it is stated that in consequence of a possible difference between himself and his landlord he has, to use his own words, brought his "case before the local public from the altar," and adds—

"In fact I am anxious for this case to terminate in my eviction, for I am thoroughly convinced that in good hands and turned to proper account it can be made to subserve the cause of the Irish tenant in a very telling forcible way;"

and, what steps the Government are taking in consequence of the state of affairs, of which the above letter, as well as the violent language made use of at recent meetings in the west of Ireland, afford evidence?

MR. O'DONNELL: Before the right hon. Gentleman answers the Question, I should like to know, Whether he has inquired of the hon. Member for Armagh why, in referring to the end of the priest's letter, he omitted all mention of accounts of the priest's grievances?

MR. J. LOWTHER: With reference to the Question just asked by the hon. Member for Dungarvan (Mr. O'Donnell), I can only say that I have not addressed an inquiry such as he suggests to my hon. Friend. In consequence of my attention being called to this letter by the Question of my hon. Friend, I have sent over to Ireland for information upon the subject, which, however, I have not yet had time to receive. Meanwhile, I think it only right to remind my hon. Friend and the House that the action of the Roman Catholic authorities in other parts of Ireland—whatever may be the rights or wrongs of this particular case—has been very different, happily, from that alleged in the case of this gentleman, and calls for recognition at the hands of Government and all lovers of order. With reference to the last matter alluded to—namely, the state of affairs in certain parts of the West of Ireland, brought about by what is known as the anti-rent movement—the Government is fully alive to the necessity of dealing promptly with it. Colonel Bruce, Deputy Inspector General of Constabulary, has been despatched on a special mission to the districts concerned. His duty will be to consult with the resident and other magistrates and the local constabulary, and to report to the Government as to what additional police force and special

police stations may be required in order to enable full protection to be afforded to all persons in the exercise of their legal rights. Special police protection will be afforded to process-servers or others requiring it. Considerable reinforcements are being drafted into these districts; and it has been notified to the inhabitants that, in the event of any attempt at outrage, the cost of these measures will be levied off the neighbourhood in which it occurs.

MR. CALLAN: Would the Chief Secretary for Ireland say, Whether his attention has been directed to the meeting held at Milltown, County Galway—the last of these meetings that has been held—and say whether it is a fact that the chairman, proposer, and seconder of the resolutions were not tenant farmers, or in any way connected with the district in which the meeting was held?

MR. J. LOWTHER: I believe it is the case that some of the persons who took part in those meetings were not in any way connected with the neighbourhood.

MR. CALLAN: Nor with the land?

MR. J. LOWTHER: Certainly not connected with the land.

ARMY ORGANIZATION COMMITTEE— THE INSTRUCTIONS.—QUESTION.

LORD ELCHO asked the Secretary of State for War, Whether he is in a position to state generally what instructions have been given to the Army Committee?

COLONEL STANLEY: Sir, I do not think it would be convenient to state the instructions to a Departmental Committee which is still sitting; but, speaking generally, I may say what the general tenour of the instructions to the Departmental Committee on the Army is. The Committee has been assembled in order that by their advice steps may be taken to remedy the practical defects which are found to occur in Lord Cardwell's scheme; but there is no intention to depart from the general principles of reorganization which have been accepted since 1870. We propose to refer to the Committee all the Reports of the Localization Committee of 1871-2, and the Reports of the Militia Committee of 1876, as well as those of the various subsidiary Committees connected with recruiting, enlistment, and so forth, and

reference to the order of Business, that there was a Private Bill for the purchase of the East India Railway fixed for to-morrow; but it had been arranged that it should not be taken till to-morrow week. He hoped to take the Customs and Inland Revenue Bill after the Army Discipline Bill. The hon. Member for Burnley (Mr. Rylands) had given Notice of a Motion on the subject; but he did not think it need lead to any discussion. He should also be glad to take the East India Loan Bill.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE. [Progress 20th June.]

Bill considered in Committee.

(In the Committee.)

Courts Martial.

Clause 47 (Regimental courts martial).

SIR ALEXANDER GORDON moved, in page 22, to leave out lines 15 and 16—namely,

“Any officer authorised by or in pursuance of this Act to convene general and district courts martial, or either of them, also.”

The hon. and gallant Gentleman said, that his object in moving the Amendment was to endeavour to put the legislation relating to courts martial on the same simple footing upon which it now stood in the existing Mutiny Act, and upon which it had stood since the Mutiny Acts were first passed—the time of William III., 1689. He proposed to omit the two first lines of the clause, in order that it might begin with the words—“Any commanding officer of a rank, not below the rank of captain,” and so on. The two first lines of the clause, as it now stood, introduced in the Army an entirely new system, and a practice which had never been thought of before, much less put into operation. By the clause, any officer of superior rank might order a commanding officer of a regiment to assemble a regimental court martial and to submit the proceedings of such court martial to him for confirmation. The practice hitherto ob-

served had been that the commanding officer was supreme in his regiment, with regard to the assembling or confirming of a regimental court martial. No one else but the commanding officer of a regiment could assemble a regimental court martial, and he alone could confirm the proceedings—in fact, a regimental court martial had been held to be a purely regimental concern, for which the commanding officer was responsible. But, under the proposed arrangement, any superior officers who were authorized might themselves convene a regimental court martial. This was an entirely new system, and one which he feared would work very injuriously. It was well that the right hon. and gallant Gentleman the Secretary of State for War should inform the Committee on what grounds this very novel procedure had been proposed. The Committee would find that the present system of courts martial was so very simple that he regretted exceedingly that it was proposed to change it. Clause 6 of the existing Mutiny Act enacted power to constitute courts martial. It said—

“For the purpose of bringing offenders against this Act of Justice Her Majesty may, from time to time, assemble courts martial.”

That was the authority of Parliament to enable the Crown to assemble courts martial. After giving the Crown power to assemble courts martial, the present Act proceeded in the next section to describe the places where offenders might be tried. It then went on to state the powers of general courts martial; the next section enacted the powers of district courts martial; the next section dealt with the powers of the regimental courts martial, enacting the power for each court martial in the order of importance in which it stood. Now, that was a very simple process; it was a process well understood in the Army, and had existed, as he had already said, for 200 years. It was now proposed to alter that system, and to let the authority of Parliament for convening courts martial apply only to regimental courts martial—to the lesser of the three kinds of such tribunals—while the two other courts martial were to be assembled under an Order emanating from the Sovereign. He would read the words the right hon. and gallant Gentleman the Secretary of State for War used in explaining this change, when

he introduced the Bill in the House. The right hon. and gallant Gentleman said—

“Passing next to courts martial, we have rearranged the old law, but we have maintained the principle. Now, courts martial will be divided into two classes, in respect of the mode in which they are convened. First of all, courts martial are now convened under the authority of the Statute alone,”

—that was the Bill they were now discussing—

“and, secondly, under authority, derived mediately or immediately, by Warrant from the Crown. The first class, under the Act of Parliament, are regimental courts martial and detachment courts martial; secondly, general courts martial and districts courts martial.”—[3 *Hansard*, cccxliii. 1916.]

The draft Bill, which was laid before the Select Committee, was drawn on the same principle as the existing Mutiny Act, for it was there seen that under one of the provisions Her Majesty had power to, from time to time, grant a Warrant for courts martial under Royal Sign Manual. It was drawn up on the principle that Parliament should give to the Sovereign the power to hold district and general courts martial; and he could not see for what purpose that simple arrangement had been altered. The Committee would find that Clause 47, as it now stood, dealt with regimental courts martial under the authority of statute; and that the next clause went on to say that—

“The following rules are enacted with respect to general courts martial and district courts martial:—(1.) A general court martial shall be convened by Her Majesty, or some officer deriving authority to convene a general court martial immediately or mediately for Her Majesty.”

In Clause 122 the subject of courts martial was again taken up, for it was there recited—

“Her Majesty may, by any Warrant or Warrants under her Sign Manual, in such form as Her Majesty may, from time to time direct, from time to time convene, or authorize any qualified officer to convene, a general court martial.”

They had, therefore, a curious mixture of authority regarding courts martial. He had tried, in every possible way, to see why the subject had been divided into two parts; and now he proposed to omit the two first lines of this clause, in order to let regimental courts martial, to which the clause related, be convened

by the commanding officers of regiments. And then he proposed to alter the first two lines of Clause 48, so that authority should be introduced to enable the Sovereign to convene courts martial in the same manner as at present; and then he proposed to omit Clause 47, and put it in the Bill in its proper place—namely, after the clause dealing with district courts martial. By that means they would give the Sovereign power to hold courts martial according to the present system; and they would have general courts martial, district courts martial, and regimental courts martial maintained in the same order and plan as in the existing Act. Unless the Secretary of State for War could give him reasons for this extraordinary change he should be bound to ask for a Division.

COLONEL STANLEY could not agree with the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon) that the Bill introduced any complication. So far from that being the case, it seemed to him that the two clauses taken together, as they were intended to be, really made the matter very much clearer. The hon. and gallant Gentleman had correctly quoted what he (Colonel Stanley) said when introducing the Bill to the House. He then observed that there were two classes of courts martial—the courts martial convened by Statute alone, and those convened by Warrant from Her Majesty. The regulations as to general courts martial remained unaltered, for the convening authority must be Her Majesty, or a person authorized by Warrant. He could not quite understand in what way the power of the Sovereign had been altered. As regarded the position of officers holding an immediate authority, it was intended that the mere fact of holding a warrant for the convening of general courts martial should carry with it the authority to convene district courts martial. That was the alteration that was made. He was afraid that if he were to take the Amendment of the hon. and gallant Gentleman as being hostile to the principle he had enunciated he must resist it.

SIR ALEXANDER GORDON observed, that the right hon. and gallant Gentleman had not said why he introduced the question of the superior officer. An entirely new system was started.

Sir Alexander Gordon

COLONEL STANLEY said, it was true that they had altered the detachment general court martial. It now passed under the name of the regimental court martial. Of course, the hon. and gallant Gentleman could not fail to see that there was a wide power given to particular officers; but in that respect it was not intended to interfere with the ordinary powers of commanding officers of regiments.

SIR ALEXANDER GORDON said, that if it were not intended to interfere with the ordinary powers of the commanding officers of regiments, then the clause must be altered; because it gave power to superior officers to convene courts martial, whether the commanding officer liked it or not. Hitherto, it had been most important that the commanding officer of a regiment should feel that that power rested with him, and that he was responsible. When a commanding officer wanted a higher power, he went to a superior officer for a higher class of court martial. He desired the right hon. and gallant Gentleman to state where power was given to the Sovereign to assemble courts martial; what part of the Clauses 47 and 48 contained that power which now existed in the Military Act, and without which the Sovereign could not hold courts martial? [Lord EUSTACE CECIL: In the 137th section.] He (Sir Alexander Gordon) thought that that power ought to be provided before they went a step further. They ought to give the Sovereign power to hold courts martial at the part of the Bill where courts martial were dealt with, instead of giving such authority at the tail-end of the Bill. In the old Mutiny Act that power was provided in the first four lines; and he maintained that the present clause should commence in a somewhat similar manner to that Act. He was watching the progress of the Bill most carefully; because the practical effect of this clause, and others affecting the Prerogative of the Crown, was that the Sovereign would have power to hold courts martial without the authority of Parliament.

COLONEL STANLEY directed the hon. and gallant Gentleman's attention to Clause 48—

"The following rules are enacted with respect to general courts martial and district courts martial:—(1.) A general court martial shall be convened by Her Majesty, or some officer de-

riying authority to convene a general court martial immediately or mediately from Her Majesty. (2.) A district court martial shall be convened by an officer authorized to convene a general court martial, or some officer deriving authority to convene a district court martial from an officer authorized to convene general courts martial."

Then Clause 122 provided that—

"Her Majesty may, by any Warrant or Warrants under Her Sign Manual, in such form as Her Majesty may, from time to time direct, from time to time convene, or authorize any qualified officer to convene, a general court martial."

He really failed to see the hon. and gallant Gentleman's point.

SIR ALEXANDER GORDON said, that the words which the right hon. and gallant Gentleman had just read ought to commence the part of the Bill they were now considering.

Amendment negatived.

MR. J. HOLMS moved, in page 22, line 22, after the word "consist," to insert—

"Of five ranks of members, viz.: one captain; two first lieutenants; two second lieutenants; two non-commissioned officers; two privates; the captain to be president."

[An hon. MEMBER: And two drummer boys.] The hon. Gentleman said they had completed that part of the Bill which dealt chiefly with crime and punishment, and now they came to another very serious portion of the question—the formation of courts martial. The powers which were invested in courts martial were very important; and he was not quite sure that the Committee was fully impressed with the magnitude and seriousness of the question. He would only give them one fact which ought to arrest their attention, and it was this—that on Saturday morning, amongst the other Parliamentary Papers that were delivered to them, there was one which set forth the number of criminal indictments that were for trial before the Courts having criminal jurisdiction in England and Wales in the year 1877. The number of such indictments was 15,179; while, in the same year, the number of courts martial held in the British Army was 15,793. The criminal indictments, however, referred to persons, the other calculation to trials; so that, in order to correct the two returns for comparison, it was as well to state that the number of persons tried by

courts martial in the British Army in 1877 was close on 14,000. That was a comparison which ought to arrest the attention of the House of Commons, and of the Committee. In the former instance—that of the criminal indictments of England and Wales—all the persons were tried by their peers; while, in the other case—the courts martial—the persons charged were not tried by their peers. And that was the point to which he wished to call attention. In reality, the particular clause that his Amendment applied to dealt only with regimental courts martial; and the number of persons tried by regimental courts martial in 1877 was 6,549. He wished, at the very outset, to state that he had no desire to stand by the exact arrangement of his Amendment; but he did particularly wish to urge that they should consider the propriety of introducing a new system respecting the formation of courts martial, in order that they might be able to give to the soldier some guarantee that he would have as great justice done to him in the Army as any civilian had in civil life. They had not hitherto received, to any great extent, the advantage of the opinions of the Law Officers of the Crown in the consideration of this Bill; they might, perhaps, receive it upon this particular point. He was aware that the probable answer he would receive from the military authorities in the House was that a proposal of this character was not at all fitted to their system; that this was an application of a German system—that it was foreign. He at once admitted that; but he begged hon. and gallant Gentlemen to consider how far it might not be advantageous to them to adopt some such principle. He was perfectly willing to examine with great care any objection that might be made. He knew he would be told that in foreign Armies they had conscription; but that in England they had no conscription. He was disposed to examine this point; and, in the first place, he would ask the Committee if our system was so perfect that it needed no change? He asserted that they had now got a good class of men in the Army; and if they expected to get and to keep them some change was necessary. The War Office could not complain that they had not had, during the last six or seven years, almost all they had asked for. To-day, with

Mr. J. Holms

only 132,000 men, they had granted them £2,500,000 more than they had five years ago. If they looked for the result of their system at the little war now going on in South Africa, he scarcely thought there would be anyone bold enough to say, or to suggest, that the system was anything like satisfactory. The system was going to be examined by a Departmental Committee—an admission that the Government did not think the system was anything like perfect. The second objection to which he would refer was that they ought not to adopt the system he proposed, because they had not, as in foreign countries, the system of conscription. Now, he would ask hon. and gallant Members to consider why it was that in Germany, although they there had the conscription, they gave a man the same freedom when he was moved from the civilian life to the military life—he maintained the same rights he had when in the civil life? In Germany, no sense of degradation attached to a man serving his country in the ranks, and care was taken that the men should have their equal rights. Suppose they had the conscription to-morrow in this country, could it be supposed the nation would allow that men, taken from their homes by force, should have less consideration before the law than they had at present? Certainly not; and to be consistent, if men were taken into the Army now, as volunteers, they should have the same opportunity of being tried by their peers as they had if brought before a jury. In the Army, on the other hand, a man was not tried by his peers at all. This was no question of raising the pay of the soldier for our Army; it was the improving of the terms under which he served—that he should be treated the same under his military life as under his civil life. He had no wish to urge the adoption of any extreme measure; and this, he thought, was a fair way of raising and discussing that principle of law, that a man should be tried by his peers; and he hoped the Secretary of State for War would take it into consideration. He moved the Amendment of which he had given Notice.

MR. CAVENDISH BENTINCK said, the hon. Gentleman had raised, by his Amendment, a very grave and important subject; and though the question of the Amendment to an entirely new system

composing the court martial, and then there would be an opportunity of giving prisoners justice, and of giving them a tribunal in which they and the public should have a right to have confidence. One of the arguments advanced against the proposal was this—that the members of the court martial would be likely to talk in the barrack-room of the result and progress of the case. He thought that was a very good argument in favour of non-commissioned officers and privates being admitted, because one of the most valuable things was publicity. If persons heard the evidence they would, probably, be better satisfied with the result than they would if they did not know what had taken place, and if they only heard an unfair and partial statement.

COLONEL ALEXANDER, interposing, explained that he only said they would talk over the finding and sentence, not the evidence.

MR. BIGGAR said, even so, it was very desirable that they should inspire confidence. In all probability, the members of a court martial went into a private room to consult, and, in giving their decision, they did not give their reasons; but if they discussed the matter in the presence of non-commissioned officers and privates, the result would be that a certain amount of public opinion would be exercised over the officers, and, therefore, they would be likely to give decisions in which the public and the Army would have confidence.

SIR HENRY HAVELOCK said, the Amendment, undoubtedly, had, at first, a very fascinating effect on a certain class of men; but, on examination, it would be found to be the most impracticable and impractical Amendment that was ever proposed. In confirmation of what had been said, and coming at the same facts from different points of view, he might say that he had heard the opinions of hundreds of soldiers, both those still serving and those who had left the Service and were likely to be under no influence, and he never heard any soldier express the slightest doubt as to the justice and impartiality of the tribunals already existing in the Army. Perhaps the hon. Member might not be aware that as far back as the Crimean War, and before that, there was an informal tribunal in the Service—an extreme development of the principle ad-

vocated by the hon. Member for Hackney—a tribunal which was called the company court martial, and which dealt with certain offences committed by the soldier affecting his fellows, such as pilfering and theft. The officers did not interfere at all; but permission was given to the oldest soldiers in the company to assemble an informal tribunal, in order to administer justice to the criminal in any way they thought proper. Usually, the offender was laid on the table and punished with a flat rod; and the reason that tribunal was abolished was because it was found the severity of the sentences it inflicted was far greater than that of those inflicted by the more regular tribunals then existing. There was one point in relation to this Amendment which its Mover had overlooked, and that was that if he desired that a soldier should be tried by his peers, he should prevent non-commissioned officers, of all persons, from being on the court; whereas he proposed to put two non-commissioned officers and two privates. It was one of the most essential points in the Service, and the reason why such good feeling existed, that the non-commissioned officer in the English Service had not any primitive or disciplinary power whatever, as he had in the foreign Services. The non-commissioned officers were kept as an intermediate class, and their position was preserved because they were never allowed any voice whatever, except as regarded giving evidence, in connection with the punishment of a soldier. The non-commissioned officer was constantly brought, from the circumstances of his position, into contact with the private, and was often likely to bear a grudge against him, which could not be entertained by anybody in the position of an officer. Therefore, he was the last person to whom judicial powers should be granted. If, as an alternative, his hon. Friend had proposed a court consisting half of officers and half of privates, it would have been a far more impartial tribunal. However, he (Sir Henry Havelock) preferred the existing tribunals; and as no possible good could arise from the Amendment he was compelled to vote against it.

GENERAL SHUTE said, he knew the hon. Member for Hackney never wished to take up the time of the House unnecessarily, and he was sure if the hon.

by altogether the consideration of what was done in foreign Armies. He did not know that his hon. Friend was a great authority on that subject; but if he were, he might be justly answered by the objection that the English Army was not like foreign Armies, and resembled them in no respect, and if French and German private soldiers sat on courts martial, that was no reason why ours should. He was satisfied it was contrary to the legal spirit which should conduct those proceedings; nor did he think that military men on either side of the House would say that such a proposal as this, if carried into effect, would in any way conduce to good order.

COLONEL ALEXANDER thought the private soldier himself would be inclined to say to the hon. Member for Hackney—"Save me from my friends." The private soldier was not only not fitted to serve on courts martial, but he would not wish to do so. The Royal Commission in 1869 took evidence from private soldiers as to their opinions of courts martial, and the manner in which they were conducted. The names of the witnesses who were examined were not divulged, nor the numbers of their regiments, and they were assured of that beforehand. They came forward perfectly voluntarily, and gave their evidence with the utmost freedom. Private H. stated he believed that a man who was tried by a regimental court martial got full justice at his trial, and he had never known a man to be unjustly convicted by a regimental court martial. Private G. said he had been twice tried by a court martial, and he had no fault to find with it upon either occasion. He added, "I have had fair-play;" and what could be said more than that? Private F. was against the system of regimental courts martial, and preferred district and general courts martial, because he thought regimental courts martial were influenced too much by the colonel; but, then, he added that he had never known a case of a man who was known to have been unjustly convicted by a regimental court martial, although, as a matter of fact, he preferred the superior court to the inferior court. Corporal E. said the feeling amongst soldiers was that a man who was tried by court martial had a fair means of defending himself, and he had never heard any complaint as to the

decisions of courts martial. Bombardier E. of the Royal Horse Artillery, said he had never seen any injustice in a court martial, and he had never known a man convicted who was known by his comrades to be innocent; and evidence was given by several non-commissioned officers to the same effect. The want of education in our private soldiers would be a very serious defect. Every officer, on joining the Army, had to attend the proceedings of courts martial for six months before he was allowed to sit on one; and before he could sit on a general court martial he must have served three years. Would the hon. Member for Hackney select his private soldiers to sit on courts martial in the same way, or would he say that a private who had joined six months should sit on a general court martial upon which an officer who had joined two years could not sit? It was quite true that, in the German Army, privates sat on courts martial; but one of the points in a German court martial was this—that each member had to sign his opinion; and, perhaps, they would get many private soldiers serving on courts martial in the English Army who would not be able to sign. Then, in Germany, the members of the court were cautioned that the finding and sentence were not to be divulged. Did hon. Members think that an English private, when he found himself in the barrack-room all day, would not discuss the proceedings of a court martial; and that the comrades of a man who had been a member of the court would not attempt to ascertain from him what the finding of the court had been? And did they not think that, in the event of its being ascertained that Private So-and-so had voted for a very severe sentence, he would not be a marked man in the regiment ever afterwards? It was absurd to say he would not. Then, supposing a soldier were taken up for being absent in a disorderly house in the purlieu of Westminster, was he to be tried by another soldier who, perhaps, was absent at the same disorderly house on the previous day? Not only that, but he thought there would be the greatest difficulty in composing this mixed court martial. Every man, on being put upon his trial, would ask if he had any objection to the members of the court; but as peremptory challenges were not allowed, some of the reasons

Mr. Cavendish Bentinck

that might be given for objecting might be rather amusing. Indeed, he thought there would be some difficulty in composing the court under these circumstances. But, with regard to Germany, he did not think the English privates would care much for copying the German system in any way. Perhaps the hon. Member for Hackney might not be aware of some of the summary punishments to which the German soldiers were subject. They were made to undergo imprisonment in a cell with a lath floor, in which the offender could neither stand nor sit without pain; and this torture was so excessive that there was a regulation that there should be an interval of 48 hours between every 24 hours of punishment. Then, a delinquent, instead of suffering arrest, might be tied to a tree, or a wheel for three hours daily. Captain Hozier, who gave evidence before the Commission, said that, in the field, very few courts martial were held in the Prussian Service, and that men were punished very severely without any court martial. They tied men to gun wheels and other torturing punishments. He was quite certain the privates of the English Army would not thank the hon. Gentleman for his proposal.

SIR WILLIAM HARCOURT said, there was a great deal, no doubt, in the Amendment that commended itself to one's sympathies; but when they talked of assimilating the military and civil systems, it would not be done by this Amendment. A man who served on a court martial was not only a juror, but a judge; and the Amendment would assign to private soldiers duties which were reserved for judges, and were not a portion of the duties of a common jury at all. For instance, the sentence, which was, above all, a question for the judge, and which nobody would think of leaving to the jury—that, according to the Amendment, would be left to the private soldier. That was a serious question, which should be left to the judge, as questions of law and evidence should be left to the jury. Now, they must constitute a court martial in a manner to fit it to be both judge and jury, which, in fact, it was. In civil life they did not compose their juries of everybody. There was a qualification for a jury laid down in the Act of George IV., which was passed in the year 1825. They took care that the illiterate and the lowest classes

should not be members of juries; but how did the hon. Gentleman propose to do that with the privates of a regiment? There was no qualification proposed in the Amendment. In civil life they had a qualification for common jurors, and they had a qualification of another character for a special jury; but in a regiment there would be no such security at all for the class of the hon. Gentleman's jury, even if they could be considered a jury at all. How would his hon. Friend choose his privates? If they were to have privates on a jury, they must be taken indiscriminately; because, if they began to discriminate, they made an evil which was far greater than the one they were supposed to cure. They would never allow the authorities to select men to conduct the case; anything approaching to selection would be strongly objected to. What could be worse than to have the pet private of the regiment, who was to be put on a court martial? He would be, probably, regarded as the most objectionable member of all. Then, were they to have the newest soldier, or a man whose character was bad, but who had succeeded in keeping out of the hands of courts martial? Neither of those men would command the confidence of his comrades, or anybody else. Therefore, the practical difficulties in the way of forming a jury of that kind were absolutely unsurmountable. He was not familiar with the working of the German Army; but this he could say—that in the system of the German Army they got a better class of men to sit on courts martial than the average English private soldier. They were men of a higher and more educated class. Therefore, it seemed to him, for all these reasons, that there were strong practical objections to the Amendment.

MR. CALLAN said, he at first sight intended to vote for the Amendment; but on consideration, and in the interest of the private soldier, he should certainly vote against it. He believed the *esprit de corps* was such that a private soldier would feel more confidence in a court martial composed of officers, than he would in a court partly composed of privates and non-commissioned officers, who were brought more into immediate contact with him. There was one argument, however, which was used by the last speaker but one, which, if it were given effect to, would narrow exceedingly the

be quite impossible for me to answer the Question of the right hon. Gentleman without giving occasion for a debate and a discussion; and I do not think it would be for the convenience of the House that such a discussion should be initiated without some Notice. At the present time, I must say, it would be very inconvenient, and, indeed, impossible, for the Government to enter into such a discussion in the actual state of affairs, although we shall be anxious, as soon as we can do so without getting into complications with other Powers, to make such a statement as is desired by the right hon. Gentleman.

MR. COURTNEY said, the Under Secretary of State for Foreign Affairs had just told the House that the Governments of England and France had joined in recommending the Khedive to abdicate. Would the hon. Gentleman further inform the House whether the recommendation was that the Khedive should abdicate in favour of his son, or whether he should simply place his resignation in the hands of the Porte?

MR. BOURKE: It is impossible to answer that Question at present.

THE MARQUESS OF HARTINGTON: I beg to give Notice that I will, on Thursday, ask Mr. Chancellor of the Exchequer, Whether he can state with whom negotiations, to which reference has been made by the Under Secretary of State for Foreign Affairs in his reply on the subject of Egypt, are at present going on? I will also repeat, in another form, the Question put by my hon. Friend the Member for Rochester, which I think was not quite understood, On what ground the application to the Khedive to resign has been made? I have not the slightest intention to say anything to provoke discussion at present. In justice to the Government, I think it right to state that, if they are not able to afford more detailed information upon this question to the House on Thursday next, it is extremely probable—in fact, it will be almost necessary—that an immediate, although, perhaps, an irregular, discussion should take place. We cannot, of course, call upon the Government to say anything which, in their opinion, would be prejudicial to the interests of the Public Service; but the Government will have to bear in mind that the House are in possession of information respecting not only negotia-

tions, but also actions, which, although extremely imperfect, are of such a character that many hon. Members feel they would be wanting in their public duty if they were not to take the earliest opportunity of expressing their opinion with regard to what has taken place.

TURKEY AND GREECE—THE PAPERS. QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, When the Greek Papers will be in the hands of Members?

MR. BOURKE, in reply, said, that these Papers would, he hoped, be in the hands of Members on Friday; or, if not then, very soon after.

POST OFFICE STATISTICS—INDIA AND CHINA MAILS.—QUESTION.

MR. J. HOLMS asked the Postmaster General, What was the amount received for postages to and from India, China, and Australia respectively, during the last year of which the statistics are complete?

LORD JOHN MANNERS: Sir, the gross receipts on account of sea postage, to which I presume the hon. Member refers, on mails to and from India and China respectively, for the year ended the 31st of March, 1876, the last year for which statistics are complete, were as follows:—India, £114,401; China and other places served by Peninsular and Oriental packets, £63,534. These amounts, however, are subject to considerable deductions in respect of the share of sea postage due to India. As regards Australia and New Zealand, the sea postage received on the outward mails *via* Suez for the same year was £30,976, the whole of which was handed over to those Colonies. The amount of sea postage on the homeward mails cannot be stated, as the entire collections are retained by the Colonies.

LANDLORD AND TENANT (IRELAND) —THREATENED EVICTION OF A PRIEST.—QUESTIONS.

MR. VERNER asked the Chief Secretary for Ireland, If his attention has been called to a letter which appeared in the "Freeman's Journal" of 17th June last, from the Reverend Thomas Fenlon, Roman Catholic Priest, Rose-

The Chancellor of the Exchequer

nallis, Queen's County, and headed "Threatened Eviction of a Priest," in which it is stated that in consequence of a possible difference between himself and his landlord he has, to use his own words, brought his "case before the local public from the altar," and adds—

"In fact I am anxious for this case to terminate in my eviction, for I am thoroughly convinced that in good hands and turned to proper account it can be made to subserve the cause of the Irish tenant in a very telling forcible way;"

and, what steps the Government are taking in consequence of the state of affairs, of which the above letter, as well as the violent language made use of at recent meetings in the west of Ireland, afford evidence?

MR. O'DONNELL: Before the right hon. Gentleman answers the Question, I should like to know, Whether he has inquired of the hon. Member for Armagh why, in referring to the end of the priest's letter, he omitted all mention of accounts of the priest's grievances?

MR. J. LOWTHER: With reference to the Question just asked by the hon. Member for Dungarvan (Mr. O'Donnell), I can only say that I have not addressed an inquiry such as he suggests to my hon. Friend. In consequence of my attention being called to this letter by the Question of my hon. Friend, I have sent over to Ireland for information upon the subject, which, however, I have not yet had time to receive. Meanwhile, I think it only right to remind my hon. Friend and the House that the action of the Roman Catholic authorities in other parts of Ireland—whatever may be the rights or wrongs of this particular case—has been very different, happily, from that alleged in the case of this gentleman, and calls for recognition at the hands of Government and all lovers of order. With reference to the last matter alluded to—namely, the state of affairs in certain parts of the West of Ireland, brought about by what is known as the anti-rent movement—the Government is fully alive to the necessity of dealing promptly with it. Colonel Bruce, Deputy Inspector General of Constabulary, has been despatched on a special mission to the districts concerned. His duty will be to consult with the resident and other magistrates and the local constabulary, and to report to the Government as to what additional police force and special

police stations may be required in order to enable full protection to be afforded to all persons in the exercise of their legal rights. Special police protection will be afforded to process-servers or others requiring it. Considerable reinforcements are being drafted into these districts; and it has been notified to the inhabitants that, in the event of any attempt at outrage, the cost of these measures will be levied off the neighbourhood in which it occurs.

MR. CALLAN: Would the Chief Secretary for Ireland say, Whether his attention has been directed to the meeting held at Milltown, County Galway—the last of these meetings that has been held—and say whether it is a fact that the chairman, proposer, and seconder of the resolutions were not tenant farmers, or in any way connected with the district in which the meeting was held?

MR. J. LOWTHER: I believe it is the case that some of the persons who took part in those meetings were not in any way connected with the neighbourhood.

MR. CALLAN: Nor with the land?

MR. J. LOWTHER: Certainly not connected with the land.

ARMY ORGANIZATION COMMITTEE— THE INSTRUCTIONS.—QUESTION.

LORD ELCHO asked the Secretary of State for War, Whether he is in a position to state generally what instructions have been given to the Army Committee?

COLONEL STANLEY: Sir, I do not think it would be convenient to state the instructions to a Departmental Committee which is still sitting; but, speaking generally, I may say what the general tenour of the instructions to the Departmental Committee on the Army is. The Committee has been assembled in order that by their advice steps may be taken to remedy the practical defects which are found to occur in Lord Cardwell's scheme; but there is no intention to depart from the general principles of reorganization which have been accepted since 1870. We propose to refer to the Committee all the Reports of the Localization Committee of 1871-2, and the Reports of the Militia Committee of 1876, as well as those of the various subsidiary Committees connected with recruiting, enlistment, and so forth, and

illiterate mechanics the trial of criminals. The magnificent Army of Germany had adopted the principle advocated by those who supported this Amendment.

MR. J. HOLMS said, that in replying to the observations that had been made upon his Amendment, he had no reason to be discontented with the remarks that had fallen from hon. and gallant Members, or from hon. and learned Members, with regard to it. He hoped to see such improvements effected in the Army as would attract a better class of men to it. He could well understand the right hon. and learned Gentleman the Judge Advocate General stating that the Army was quite satisfied with the existing system of courts martial; but when he spoke of the Army, of course he meant the officers only. And, indeed, even if the right hon. and learned Gentleman had intended to refer to the Army generally, his statement that it was content with the existing system would afford no satisfaction to those who were anxious to raise the status of the private soldier. He could also understand the argument which had been put forward that many soldiers were at present unfitted to sit upon a court martial. He, however, desired to get rid of the existing system, and, by substituting for it a better one, to attract a superior class of men into the Army. He could also understand the hon. and learned Member for Oxford (Sir William Harcourt), when he said that his Amendment would not convert a court martial into a tribunal, such as that which consisted of a Judge and a common jury. He must, however, point out that the system of constituting courts martial he recommended had already been adopted with success in the German Army. Satisfied with having raised this discussion, and pointing out that he had given Notice of similar Amendments upon other clauses, he would not press the Amendment. He had received a number of letters from very eminent men in the Army, to the effect that it would be of great advantage to the Service if non-commissioned officers were not in future to be tried by regimental but by district courts martial.

COLONEL STANLEY said, he could quite understand the ground on which this Amendment had been moved, and he was not, therefore, going to take up the time of the Committee in speaking

upon it. He could not, on the part of the Government, accept any definite words, as far as the non-commissioned officers were concerned, because their case would be dealt with by the Committee which had been appointed by the House.

Amendment, by leave, *withdrawn*.

SIR ARTHUR HAYTER moved, in page 22, sub-section 2, line 23, after the word "officers," to insert the words—

"Such number to be, in the United Kingdom not less than five, and elsewhere not less than three."

The hon. and gallant Gentleman said, his object was to restore the complement at home of officers necessary for forming a regimental court martial to the number of five, now required by the Mutiny Act. At the same time, he was prepared to admit that under exceptional circumstances — such, for instance, as might arise in the Colonies from the difficulty of assembling even as many as five — a different arrangement might be permitted, and the number reduced to three. His Amendment would thus restore the exact provision as to numbers for a regimental court martial contained in the present Mutiny Act.

COLONEL STANLEY said, he hoped the Amendment would not be pressed, inasmuch as the present Articles of War gave to the commanding officers power to do all that was asked by it; and that, as in several cases it would not be possible to call together the number of officers proposed by the Amendment, there might be a lapse of several months before necessary inquiries could be held.

MAJOR O'BEIRNE opposed the Amendment, on the ground that justice would be delayed if it was necessary that so large a number of officers as was suggested should be called to serve upon a court martial. This difficulty would be much greater in a Cavalry than in an Infantry regiment, and would entail much more of expense. Therefore, he strongly supported the Amendment which had been moved.

COLONEL ARBUTHNOT agreed with the opinions which had been expressed by the hon. and gallant Gentleman who had just addressed the Committee, mainly on the ground that the proposals contained in the Bill would injuriously affect the Cavalry branch of the Service.

Mr. Hopwood

SIR ALEXANDER GORDON supported the Amendment, on the ground that it would afford to soldiers a protection to which they were properly entitled.

COLONEL ALEXANDER said, he had a similar Amendment on the Paper—namely, in page 22, line 23, to leave out, “but such number shall in no case be less than three,” and insert—

“Such number to be, in the United Kingdom not less than five, and elsewhere not less than three.”

SIR HENRY HAVELOCK said, there was no reason why in India the number of a court martial should not be five.

COLONEL STANLEY could not accept the proposal in its entirety, because, if carried, it might produce delay; but, at the same time, he saw no objection to leaving out the words “United Kingdom;” and he, therefore, proposed to amend the Amendment in those terms.

Amendment, as amended, *agreed to*.

MR. O'DONNELL moved, in line 35, after the word “days,” to insert “or flogging,” his object being that when flogging was to be inflicted it should be by the order of a higher court than a regimental court martial.

Amendment proposed,

In page 22, line 35, after the word “days,” to insert the words “or flogging.”—(*Mr. O'Donnell*.)

Question proposed, “That those words be there inserted.”

COLONEL STANLEY could not accept the Amendment. If the punishment of flogging remained, it would be necessary to leave its infliction in some cases to regimental courts martial.

Question put.

The Committee *divided*:—Ayes 16; Noes 97: Majority 81.—(*Div. List, No. 131.*)

COLONEL DRUMMOND-MORAY said, if the latter part of the sub-section, the omission of which he intended to move, were allowed to remain in the clause, a great alteration would be thereby made in the law as it at present existed. Under the Articles of War some offences were considered

to be of too grave a character to be tried by regimental courts martial, and were, therefore, dealt with either by general or district courts martial; but the effect of the clause as it then stood would be to render such offences triable by regimental court martial. The opinion held by one commanding officer as to whether a certain offence should be tried by general, district, or regimental court martial, might be entirely different from the opinion held by another commanding officer; and, therefore, it might occur that of two persons tried for the same offence, say at Aldershot, one might receive a heavy sentence from a district court-martial, while the other, being tried by regimental court martial, would only get half the punishment awarded in the other case. The clause gave greater power to the commanding officer than he now possessed, inasmuch as it would rest with him to decide whether a man should be liable to 42 days' imprisonment, or whether he should be liable to two years' imprisonment. For these reasons, he thought that the offences triable by courts martial should be scheduled in a way which would insure that grave offences should be tried by higher courts than regimental courts martial. He therefore moved in page 22, line 35, to leave out from the word “ignominy,” to the end of the clause.

Amendment proposed,

In page 22, line 35, to leave out from the word “ignominy,” to the end of the Clause.—(*Colonel Drummond-Moray*.)

Question proposed, “That the words, ‘but subject as aforesaid,’ stand part of the Clause.”

COLONEL STANLEY objected to the Amendment, on the ground that it would practically give no discretion to commanding officers in the matter of courts martial. It was well known to be the custom, under the old rule, to apply for the appointment of the highest class of courts martial by which a man could be tried; and the answer usually given was—“You must try by district court martial; we cannot give you a general court martial.” By allowing the clause to remain unaltered, he could not help thinking that the responsibility of deciding the proper class of courts martial to be convened would be left upon the shoulders of the right persons.

SIR ALEXANDER GORDON entirely agreed with the views expressed by the hon. and gallant Members opposite who had just spoken. It was well known that commanding officers of regiments would, in many cases, try grave offences by regimental court martial, in order to have a blank court martial return; and the Commander-in-Chief, as well as the War Office authorities, were very apt, in consequence, to form an erroneous judgment as to the character of particular regiments. It was very necessary to insure that commanding officers should not shrink from bringing their men to court martial for grave crimes; but this would be rendered impossible if the clause remained in its present form.

COLONEL ARBUTHNOT took a little exception to the remarks of the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon), which implied an intention on the part of commanding officers to screen the men in their regiments from the punishment due to their offences. Such cases, in his opinion, were so rare and extraordinary that it would be quite unnecessary to provide for them. But there was much that was worthy of consideration in the proposal of the hon. and gallant Member for Perthshire (Colonel Drummond-Moray); because there could be no doubt that commanding officers differed very much in the views which they took as to the gravity of crimes—some regarding a crime as a grave one, which others would look upon as perfectly venial. For that reason, he agreed that it would be advisable to schedule the offences in the manner suggested by the hon. and gallant Member.

MR. CAVENDISH BENTINCK could not admit that any sufficient reason had been urged for limiting the discretion of officers in the matter of courts martial.

SIR ARTHUR HAYTER thought that some security other than that which the right hon. and gallant Gentleman the Secretary of State for War had introduced into the clause should be provided in the Bill. The Articles of War prescribed the offences which were triable by the various degrees of courts martial; but the present Bill contained no similar security. He supposed, after the passing of this Bill, very little would be heard of the Articles of War; and it was, therefore, very important that the Amendment of the hon. and gallant

Member for Perthshire (Colonel Drummond-Moray) should, in some form, be accepted.

COLONEL DRUMMOND-MORAY trusted that the right hon. and gallant Gentleman would state to the Committee whether he intended to schedule the offences?

COLONEL STANLEY, for the reasons already stated, was unable to agree to the proposal of the hon. and gallant Member.

SIR WILLIAM HARCOURT could not agree that the matter could be best dealt with by scheduling the crimes. He understood that one of the great difficulties was that originally under the Articles of War the matter was arranged, not according to the character of the crime, but according to the character of the tribunal which carried with it the punishment. The great objection to that, and the one which induced the Committee to assent to the plan proposed was, that it was said that when an offence was carried to a district or general court martial the court seemed to feel that they were compelled, from the mere fact of the crime being carried before them, to award a high punishment. That was one of the strong arguments by which the Committee were pressed. As far as he understood the clause, it proposed that offences of whatever character might be submitted to a regimental court martial; but that the regimental court martial should not give more than a certain amount of punishment. It was quite possible that the authorities might consider that the offence, owing to the circumstances which surrounded it, might be adequately dealt with by a moderate punishment, and would, therefore, not send it to a general or district court martial; where the punishment might be of a very much heavier kind; but he could not understand that any officer in command of a regiment would desire that crimes should meet with an inadequate punishment; if so, he would be extremely unworthy of the commission which he held. He (Sir William Harcourt) was surprised to hear officers of such experience as the hon. and gallant Members for Ayrshire (Colonel Alexander) and Aberdeenshire (Sir Alexander Gordon) say that commanding officers would deliberately refer crimes to certain tribunals because they knew that they would be inadequately dealt

with. If that were so, all he could say was that, instead of amending the present clause, the officers in question ought to be removed from the Army, because they must be persons utterly unfit to discharge the duties which they were called upon to perform. But, taking a higher view of them, if they were fit for the positions in which they were placed, they must exercise some discretion as to whether a crime ought to be referred to one tribunal or another, and that was what the clause provided for.

SIR WILLIAM CUNINGHAME trusted that the Secretary of State for War would make some concession in this matter; for he fully concurred in the opinions which had been expressed by his hon. and gallant Friends upon the subject of scheduling the crimes to be referred to the various degrees of courts martial. Those opinions, he felt sure, would be shared by commanding officers who were experienced in these matters. And, speaking from his own experience, he thought it advisable that the proposed Amendment should be adopted by the Committee. He had no recollection of there having been any difficulty in carrying out the old arrangements, which left certain offences to be tried by the highest class of courts martial, and others to courts martial of the second class, while crimes of another degree were referred to regimental courts martial; on the contrary, as a matter of practice the rule had worked exceedingly well, and he could not see what advantage there would be in instituting a new system which, in his opinion, could hardly be an improvement on the old regulations, that had worked so well for many years. Therefore, he thought it would be a very good plan to schedule crimes in the manner proposed by the hon. and gallant Member for Perthshire.

SIR ALEXANDER GORDON was bound to say, after the remarks of the hon. and gallant Member for Hereford (Colonel Arbuthnot), that when he had gained the experience which he trusted he would some day possess, he would find that the facts alluded to by him (Sir Alexander Gordon) had been accurately stated. Whenever the hon. and gallant Gentleman looked over the books of many regiments, he would see that nothing was more common than that some offences had been disposed of

by an officer instead of being referred to court martial, and others were tried by an inferior court which ought to have been referred to a superior court. By Act of Parliament, and by the Articles of War, disobedience to orders was a crime which no commanding officer could punish himself, yet this was frequently done. Again, it was a fact that when the quarterly returns of courts martial were sent in, objections were often taken to the courts martial which had been held upon certain offences; and in almost every case a note was returned to say that "this crime ought to have been tried by a superior court, where is the authority for this man's trial?" He therefore hoped the Secretary of State for War would see his way to provide a remedy for these irregularities.

COLONEL ALEXANDER felt so strongly on this subject that he hoped it would be pressed to a Division. With reference to the remarks which had fallen from the hon. and learned Member for Oxford (Sir William Harcourt), he wished to state that it was by no means the case that all offences referred to superior courts martial were supposed to be visited with penal servitude. He (Colonel Alexander) was president last year of a general court martial, when two prisoners were tried for insubordination, and in one case the man was awarded five years' penal servitude; but, the circumstances of the other case not appearing of so grave a nature, the second man was only sentenced to two years' imprisonment.

Question put.

The Committee divided:—Ayes 57; Noes 31: Majority 26.—(Div. List, No. 132.)

Clause agreed to.

Clause 48 (General and district courts martial).

COLONEL STANLEY proposed to leave out the words "prescribed number of," in line 10, page 23, in order to insert the word "nine," instead thereof.

Amendment agreed to.

COLONEL STANLEY proposed to leave out from line 13, page 23, the words—

"Such number to be, in the United Kingdom, not less than nine, and elsewhere not less than five,"

in order to insert instead thereof—

"Provided, if it be the opinion of the officer who convenes the court martial, such opinion to be expressed in the order for convening the court martial, and to be conclusive that such nine officers are not, having due regard to the public service, available, that such court martial shall consist of not less than five officers."

MR. O'DONNELL thought it would be well to make the minimum number of officers on general courts martial seven instead of five.

COLONEL STANLEY replied, that the number of officers stated in the clause was in accordance with the Articles of War and immemorial usage.

Amendment agreed to.

COLONEL STANLEY proposed to leave out from line 16, page 23, the words "prescribed number of," in order to insert the word "seven," instead thereof.

Amendment agreed to.

COLONEL STANLEY proposed to leave out from line 17, page 23, the words—

"Such number to be, in the United Kingdom, not less than seven, and elsewhere not less than three,"

in order to insert—

"Provided, if it be the opinion of the officer who convenes the court martial, such opinion to be expressed in the order for convening the court martial, and to be conclusive that such seven officers are not, having due regard to the public service, available, that such court martial shall consist of not less than three officers."

MR. O'DONNELL proposed to amend the proposed Amendment of the right hon. and gallant Gentleman, by inserting the word "five," instead of "three," as the minimum number of officers that should be accepted for district courts martial. It was felt that a regimental court martial should consist, if possible, of five officers; and, surely, there could be no difficulty in assembling five officers out of the regiments assembled in the district for the purpose of a regimental court martial. He could not accept a less number than five without taking a Division. If that number of officers could not be got together, it would be more to the dignity of the Service that the court martial should not be held at all.

SIR ALEXANDER GORDON hoped that the right hon. and gallant Gentleman would add the words, "Provided, that none of the three officers

shall be under the rank of captain." As the Bill stood now, two lieutenants and a captain might constitute a court martial; and he thought that the officers should be all captains, or, at any rate, that the lieutenants should have gained some experience by active service.

COLONEL STANLEY could not agree to this Proviso, although he was prepared to admit that it was desirable that officers forming a court martial should be men of experience. There was no limit for the status of these officers in the Article of War, which merely said that the court should consist of not less than three commissioned officers. With regard to the proposed Amendment of the hon. Member for Dungarvan (Mr. O'Donnell), the point to be considered was that, on the one hand, by fixing the minimum number of officers at three, the court might not be so fully constituted as might be desirable; while, by drawing a hard-and-fast line, and making the minimum number five, the assembling of the court might be rendered impossible for a considerable time, which was the very thing they were endeavouring to avoid. The balance of advantage was, therefore, in his opinion, in favour of three commissioned officers. He trusted that the hon. Member would not go to a Division; but, if so, it would, perhaps, be well to divide at once.

SIR ALEXANDER GORDON pointed out that in the United Kingdom, India, Malta, and Gibraltar, a district court martial must consist of seven officers, and that in Nova Scotia and Bermuda it must not consist of less than five. But by the present clause it was proposed that three officers might constitute a court martial in any part of the world. He looked upon this as too great an extension of the principle of reducing the number of officers on district courts martial.

SIR ARTHUR HAYTER pointed out that the number of officers to be appointed would be governed by the words proposed to be inserted by the right hon. and gallant Gentleman, and that the convening officer would be obliged to express in writing that a greater number could not be obtained consistently with the public interest.

SIR WILLIAM HARCOURT confessed that he could not understand how the clause stood. The view taken

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composing the court martial, and then there would be an opportunity of giving prisoners justice, and of giving them a tribunal in which they and the public should have a right to have confidence. One of the arguments advanced against the proposal was this—that the members of the court martial would be likely to talk in the barrack-room of the result and progress of the case. He thought that was a very good argument in favour of non-commissioned officers and privates being admitted, because one of the most valuable things was publicity. If persons heard the evidence they would, probably, be better satisfied with the result than they would if they did not know what had taken place, and if they only heard an unfair and partial statement.

COLONEL ALEXANDER, interposing, explained that he only said they would talk over the finding and sentence, not the evidence.

MR. BIGGAR said, even so, it was very desirable that they should inspire confidence. In all probability, the members of a court martial went into a private room to consult, and, in giving their decision, they did not give their reasons; but if they discussed the matter in the presence of non-commissioned officers and privates, the result would be that a certain amount of public opinion would be exercised over the officers, and, therefore, they would be likely to give decisions in which the public and the Army would have confidence.

SIR HENRY HAVELOCK said, the Amendment, undoubtedly, had, at first, a very fascinating effect on a certain class of men; but, on examination, it would be found to be the most impracticable and impractical Amendment that was ever proposed. In confirmation of what had been said, and coming at the same facts from different points of view, he might say that he had heard the opinions of hundreds of soldiers, both those still serving and those who had left the Service and were likely to be under no influence, and he never heard any soldier express the slightest doubt as to the justice and impartiality of the tribunals already existing in the Army. Perhaps the hon. Member might not be aware that as far back as the Crimean War, and before that, there was an informal tribunal in the Service—an extreme development of the principle ad-

vocated by the hon. Member for Hackney—a tribunal which was called the company court martial, and which dealt with certain offences committed by the soldier affecting his fellows, such as pilfering and theft. The officers did not interfere at all; but permission was given to the oldest soldiers in the company to assemble an informal tribunal, in order to administer justice to the criminal in any way they thought proper. Usually, the offender was laid on the table and punished with a flat rod; and the reason that tribunal was abolished was because it was found the severity of the sentences it inflicted was far greater than that of those inflicted by the more regular tribunals then existing. There was one point in relation to this Amendment which its Mover had overlooked, and that was that if he desired that a soldier should be tried by his peers, he should prevent non-commissioned officers, of all persons, from being on the court; whereas he proposed to put two non-commissioned officers and two privates. It was one of the most essential points in the Service, and the reason why such good feeling existed, that the non-commissioned officer in the English Service had not any primitive or disciplinary power whatever, as he had in the foreign Services. The non-commissioned officers were kept as an intermediate class, and their position was preserved because they were never allowed any voice whatever, except as regarded giving evidence, in connection with the punishment of a soldier. The non-commissioned officer was constantly brought, from the circumstances of his position, into contact with the private, and was often likely to bear a grudge against him, which could not be entertained by anybody in the position of an officer. Therefore, he was the last person to whom judicial powers should be granted. If, as an alternative, his hon. Friend had proposed a court consisting half of officers and half of privates, it would have been a far more impartial tribunal. However, he (Sir Henry Havelock) preferred the existing tribunals; and as no possible good could arise from the Amendment he was compelled to vote against it.

GENERAL SHUTE said, he knew the hon. Member for Hackney never wished to take up the time of the House unnecessarily, and he was sure if the hon.

difficult to say what were two-thirds of five, or even of seven. That matter could be dealt with when the clause was reached; but he was very much in favour of the Amendment proposed.

COLONEL STANLEY said, that he agreed in principle with the Amendment; but what he should propose was to insert in the clause "that a court should be composed of not less than seven," and then, in the remainder of the clause, to leave it to the general officer to state the reason why he had not found sufficient officers available to make up that number, and in that case to allow him, in the exercise of his discretion, to make the court not less than three. He would, however, look into the matter, with a view of seeing whether the adoption of the Amendment proposed by the hon. and gallant Member for Galway would give rise to any practical difficulty; otherwise, he was disposed to assent to it. He could not help remarking that this Article of War had been framed from the experience of past years, and he thought there might be considerable difficulty in making the minimum number of officers more than three.

SIR ALEXANDER GORDON said, that the Amendment of the hon. and gallant Member for Galway would take away the possibility of having a court composed of three officers only, in case no more were obtainable. He thought that result would be undesirable. If five were taken as the minimum, he thought there should also be a provision that not less than three of those officers should be of the rank of captain.

MAJOR NOLAN considered that subalterns of five years' service were just as fit to form an opinion on any military subject as many captains. He did not say that an officer of less than five years' service was fit; but he was of opinion that officers of that seniority would make a very good court. The number of officers on these courts martial should be, at least, five. The object of having five was to get rid of the opposition of a man who was influenced by particular views. Where a court martial was composed of three only, the opinions of one man who held peculiar views, perhaps, on the gravity of the offence for which the soldier was being tried had an undue preponderance. When the court was increased to five, the influence of one man was not so great. He was not anxious

to see any limit of rank imposed upon the officers forming these courts martial; for his experience was that junior officers, although necessarily inexperienced, were, as a general rule, on the side of mercy. If an Amendment was to be proposed, he should be inclined to say that the officers composing the court should be of not less than five years' service.

COLONEL ALEXANDER wished to point out that the difficulty as to obtaining two-thirds of a court composed of five and seven never practically arose; for this reason—a district court martial had never had the power of passing sentence of death; whereas a general court martial, which had the power of passing a sentence of death, was required to be composed of a greater number.

THE CHAIRMAN inquired whether the hon. and gallant Member for Galway wished to withdraw his Amendment?

MAJOR NOLAN said, that he did—that he was willing to withdraw it.

Amendment, by leave, *withdrawn*.

MR. O'DONNELL said, that he should take a Division.

MR. O'CONNOR POWER remarked, that the right hon. and gallant Gentleman the Secretary of State for War did not entertain any objection to the proposal of the hon. and gallant Gentleman the Member for Galway; but, on the other hand, was disposed to agree with it, although he was not prepared to carry it out then. If so, it seemed to him that the hon. Member for Dungarvan (Mr. O'Donnell) would act wisely in not pressing his Amendment. He thought that the right hon. and gallant Gentleman in charge of the Bill might very well plead for a little time for the consideration of the Amendment.

MR. O'DONNELL had very great pleasure in postponing his objection till the Report.

COLONEL STANLEY said, he would move, in sub-section 4, after the words "United Kingdom," to insert "East Indies, Malta, and Gibraltar," thus putting those places on the same footing as this country in respect of the composition of district courts martial. Also in the same sub-section, after the words "not less than seven," to leave out "and elsewhere not less than three," in order to insert—

"Provided, That in the opinion of the officer convening the court martial, such opinion to be

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expressed in a prescribed way, seven officers are not having regard to the exigencies of the public service available, then the court shall consist of three."

Amendments agreed to.

SIR ALEXANDER GORDON moved, in page 23, line 19, after the word "officer," to insert "or person holding the relative rank or position of an officer." His object in moving this Amendment was to provide for the trial of those persons who were not officers, and who were also not soldiers; but who were, nevertheless, subject to military law. If hon. Members would turn to page 94, they would find that a certain class of persons were made subject to military law and liable to be tried by court martial.

"All persons not otherwise subject to military law who are followers of or accompany Her Majesty's troops, or any portion thereof, when employed on active service beyond the seas, subject to this qualification, that where any such persons are followers of or accompany any portion of Her Majesty's Forces consisting partly of Her Majesty's Indian Forces subject to Indian military law, and such persons are Natives of India within the meaning of Indian military law, they shall be subject to that law."

That clause would include a very large and varied class of persons who followed an Army in various capacities, and who were civilians. Sometimes persons were sent out by the Secretary of State for War as official interpreters and in various capacities. There were also newspaper correspondents with a large Army in the field. There was thus a large number of persons following the Army who held the position of gentlemen, and, therefore, the position of officers. By this clause, as it was framed, every one of these persons would be liable to be tried by district courts martial as a common soldier, and to be sentenced and to suffer the punishment of a common soldier in the field, including corporal punishment or imprisonment. He thought that to subject those civilians, who might be engaged in the public service with an Army in the field, to such penalties as this was inflicting upon them a very great hardship. If they were always under protection of the Commander-in-Chief of the Army, there would be no great reason to complain. But any person with an Army in the field, who had authority to convene a

district court martial, might order any of these gentlemen to be tried by a district court martial. It was right that the Committee should understand, and that these persons should know, what position they occupied when an Army took the field. He might state that the power of punishing these persons was not in the old Acts, but was a new power, and was totally unknown in any previous Act of Parliament. He thought the Committee should properly understand what it was doing before it passed this clause of the Bill in the shape in which it now was, for it might lead to most important and unpleasant questions.

COLONEL STANLEY confessed that he did not very clearly see what necessity had been shown for the Amendment, nor did he quite understand what the effect of it would be. At the same time, he quite agreed with the reasons that the hon. and gallant Member had brought forward in favour of the Amendment. The insertion of the words would, it seemed to him, cause considerable inconvenience, for he apprehended that it would be most difficult to know what persons occupied the relative rank or position of officers. He did not think that these persons would be tried by courts martial where a civil court could act. Persons who voluntarily chose to attach themselves to the Army would know the liability to which they subjected themselves, and could not expect to be dealt with in any other manner than other persons who were under military law. He was really at a loss to understand what was aimed at by this Amendment, unless it had in view the case of newspaper correspondents.

SIR ALEXANDER GORDON said, that the Amendment was intended to protect the numerous class of persons who followed an Army in the field.

COLONEL STANLEY remarked, that if such persons did not form a part of the Force, they were not liable to come under the provisions of the Act. And if they formed part of the Force, he could not imagine anything more inconvenient than that persons who received advantages, such as being mounted, or having facilities granted to them, and yet should be able to turn round and say, "You have no control over us." He could not conceive anything more inconvenient than the adoption of such a course; particularly, as the Committee had already

included camp followers amongst persons subject to military law.

SIR HENRY HAVELOCK said, there was a distinction which the hon. and gallant Member desired to draw, and which he thought the Committee would also draw. He took it that the distinction which was intended to be drawn was one which did not, in any degree, militate against the maintenance of discipline, or of that discipline which was applied to the persons in a civilian capacity serving with an Army in the field. The distinction he wished to make was that, whereas, in the clause further on, all persons following the Army were taken without discrimination, the hon. and gallant Gentleman wished, in the case of newspaper correspondents, or artists, or photographers, that those persons should, without making any invidious distinction, be put on a different footing from camp followers and persons who attached themselves to the Army for the purpose of selling drink to the soldiers. The hon. and gallant Gentleman wished to make a distinction between those classes of persons in the manner in which military law should be applicable to them. For his part, he could not conceive any practical difficulty in drawing the distinction which it was desired to make. It was desired, in the case of superior persons following the train of an Army, to render them liable to be dealt with by military law as officers, and not to be subject to trial by a district court martial, which was an inferior court, intended only to try private soldiers. He thought that the right hon. and gallant Gentleman would be able to see his way to accept the principle of the Amendment, for there could be no possible objection to making the distinction. In the case of a large Army in the field, if any person holding the relative position of an officer committed an offence which it was deemed necessary to try him for, there would be no difficulty in assembling a sufficient number of officers to constitute a general court martial. In every succeeding year a larger number of civilians of a superior class accompanied Armies in the field, and the hon. and gallant Member for Aberdeenshire did not desire that they should be placed indiscriminately in the same class as common camp followers, whom the Act allowed to be dealt with summarily.

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There was a necessity for drawing a broad distinction between the two classes of persons, and to subject each class, when necessary, to military law.

THE SOLICITOR GENERAL (SIR HARDINGE GIFFARD) was totally ignorant of the way in which the distinction was to be drawn, or what were the different classes between which the hon. and gallant Member desired to draw the distinction. What was the relative rank or position of an officer? Did the photographer, or the photographer's man, hold such a place, or did they both hold it? So far as he could understand, the position of an officer in the Army was quite clear, and admitted of no doubt; but if they drew this very arbitrary and wholly artificial distinction as to the relative rank or position of an officer, he wished to know where they could draw the dividing line? It seemed to him that it would be wholly impossible in practice to say what class of persons held the relative rank or position of officers.

SIR ALEXANDER GORDON said, that, perhaps, the matter was very amusing to the hon. and learned Gentleman; but he could inform him that the class of persons who held the relative rank and position of officers was laid down by the Queen's Regulations. Some civilians ranked as majors, some as colonels; and there were civilians attached to Armies who received pay and allowance according to their relative rank. They were followers of the Army who would, under this clause, unless it was amended, be liable to be tried as private soldiers.

COLONEL STANLEY said, that the hon. and gallant Gentleman would carry out his object more effectually, if he were to move this Amendment on Clause 166. He was at a loss to understand what the hon. and gallant Gentleman intended, or how he proposed to define which civilians were in the relative position of officers and which were in the position of soldiers. It was open for the Amendment to be moved on the 166th clause. As he understood the matter, these persons did not form any part of an Army in the field, nor did they hold any commission; but their status was to be decided by some process which he was at a loss to understand. If he were in Order, he would refer to Sub-section 7, which said that every person not other-

cases arising out of the Jamaica riots, spoke of the proceedings before courts martial being, in general, favourable to the accused. The late Sir Colman O'Loughlen, Judge Advocate General, in 1869, wrote to the Secretary of State for War—

"I cannot pass from the subject of courts martial without bearing my testimony to the fairness in which, in general, persons are tried by these courts, and to the honest manner in which, on the whole, justice is administered in them."

He hoped, therefore, after the opinions which had been expressed on this subject by the high authorities to whom he had referred, that the Committee would be very cautious before they ignored the Report of the Court Martial Commission.

Mr. HOPWOOD said, that no one had a right to read the hon. Member for Hackney a lecture upon the propriety of suggesting Amendments upon this Bill which were based upon the principles which had been adopted by the largest and, considering recent events, the grandest Army in Europe. By raising this discussion the hon. Member had, at any rate, done good service. It had been said that this Amendment had been brought forward with the intention of impugning the fairness of hon. and gallant Members who had sat upon courts martial. He disowned that view of the Amendment; and he was sure that the hon. Member for Hackney, speaking on his own behalf, would also disown any desire to impute to the hon. and gallant Members, or to any of the officers of the Army who sat upon courts martial, any tendency to unfairness. That, however, was not the point under discussion. He, and those hon. Members who thought with him, were persuaded that every officer who sat upon a court martial was, according to his particular views and his particular lights, disposed and anxious to do his duty; but the question was, whether these tribunals did, and ought to, command by their constitution the confidence and respect of those who were tried by them? It had been urged that it was impossible, under this Amendment, to secure that a soldier should be tried by his peers; but the same thing might be said of our civil system, under which no man was ever tried by his peers. Would not it be better to give the great body of the soldiers who were tried by courts mar-

tial greater confidence in those tribunals by placing some of their own rank upon it? He doubted whether the hon. and gallant Members in that House knew very much about the private soldier, and the disabilities to which he was subjected. He wanted to know what was the view taken by the private soldier on this subject? He had found it very difficult to ascertain what it was. Of this, however, the Committee might be satisfied—that the great point on which the good feeling in the Army broke down was not as between the soldier and the commissioned officer, but as between the soldier and the non-commissioned officer. It would be said, triumphantly, that if such were the case, that was the best reason for not placing the non-commissioned officers upon these courts martial; but that was not so, because they would be met on these tribunals by the privates, who would bring with them from the ranks below the feeling of the regiment. The privates, moreover, would be able to throw much light on the causes of insubordination and of desertion, which were now almost altogether unknown to those of higher rank. But it was said that those who supported this Amendment had been led away by a false analogy between the civil tribunals presided over by a Judge versed in the law, and these military courts, over which there was no such president. The oldest officer, however, might well explain the military law to the other members of the court. It must further be remembered that until recent times justice was very fairly administered by officers who were themselves perfectly ignorant of the law, and who were only guided by their own feeling of what was right, and by common sense, in dealing with matters of fact. It would not be very difficult to find a large number of common soldiers who would be capable of deciding fairly upon matters of fact in like manner. He was satisfied that it would add to the feeling of solidarity in the Army if men of all ranks were placed upon courts martial. Then it was urged that the common soldier had not sufficient education to entitle him to a seat in these tribunals. He believed that in some parts of the country men sat upon common juries who were unable to write their names; and yet they had no hesitation in trusting to these possibly skilled but

illiterate mechanics the trial of criminals. The magnificent Army of Germany had adopted the principle advocated by those who supported this Amendment.

MR. J. HOLMS said, that in replying to the observations that had been made upon his Amendment, he had no reason to be discontented with the remarks that had fallen from hon. and gallant Members, or from hon. and learned Members, with regard to it. He hoped to see such improvements effected in the Army as would attract a better class of men to it. He could well understand the righthon. and learned Gentleman the Judge Advocate General stating that the Army was quite satisfied with the existing system of courts martial; but when he spoke of the Army, of course he meant the officers only. And, indeed, even if the right hon. and learned Gentleman had intended to refer to the Army generally, his statement that it was content with the existing system would afford no satisfaction to those who were anxious to raise the status of the private soldier. He could also understand the argument which had been put forward that many soldiers were at present unfitted to sit upon a court martial. He, however, desired to get rid of the existing system, and, by substituting for it a better one, to attract a superior class of men into the Army. He could also understand the hon. and learned Member for Oxford (Sir William Harcourt), when he said that his Amendment would not convert a court martial into a tribunal, such as that which consisted of a Judge and a common jury. He must, however, point out that the system of constituting courts martial he recommended had already been adopted with success in the German Army. Satisfied with having raised this discussion, and pointing out that he had given Notice of similar Amendments upon other clauses, he would not press the Amendment. He had received a number of letters from very eminent men in the Army, to the effect that it would be of great advantage to the Service if non-commissioned officers were not in future to be tried by regimental but by district courts martial.

COLONEL STANLEY said, he could quite understand the ground on which this Amendment had been moved, and he was not, therefore, going to take up the time of the Committee in speaking

Mr. Hopwood

upon it. He could not, on the part of the Government, accept any definite words, as far as the non-commissioned officers were concerned, because their case would be dealt with by the Committee which had been appointed by the House.

Amendment, by leave, *withdrawn*.

SIR ARTHUR HAYTER moved, in page 22, sub-section 2, line 23, after the word "officers," to insert the words—

"Such number to be, in the United Kingdom not less than five, and elsewhere not less than three."

The hon. and gallant Gentleman said, his object was to restore the complement at home of officers necessary for forming a regimental court martial to the number of five, now required by the Mutiny Act. At the same time, he was prepared to admit that under exceptional circumstances — such, for instance, as might arise in the Colonies from the difficulty of assembling even as many as five — a different arrangement might be permitted, and the number reduced to three. His Amendment would thus restore the exact provision as to numbers for a regimental court martial contained in the present Mutiny Act.

COLONEL STANLEY said, he hoped the Amendment would not be pressed, inasmuch as the present Articles of War gave to the commanding officers power to do all that was asked by it; and that, as in several cases it would not be possible to call together the number of officers proposed by the Amendment, there might be a lapse of several months before necessary inquiries could be held.

MAJOR O'BEIRNE opposed the Amendment, on the ground that justice would be delayed if it was necessary that so large a number of officers as was suggested should be called to serve upon a court martial. This difficulty would be much greater in a Cavalry than in an Infantry regiment, and would entail much more of expense. Therefore, he strongly supported the Amendment which had been moved.

COLONEL ARBUTHNOT agreed with the opinions which had been expressed by the hon. and gallant Gentleman who had just addressed the Committee, mainly on the ground that the proposals contained in the Bill would injuriously affect the Cavalry branch of the Service.

SIR ALEXANDER GORDON supported the Amendment, on the ground that it would afford to soldiers a protection to which they were properly entitled.

COLONEL ALEXANDER said, he had a similar Amendment on the Paper—namely, in page 22, line 23, to leave out, “but such number shall in no case be less than three,” and insert—

“Such number to be, in the United Kingdom not less than five, and elsewhere not less than three.”

SIR HENRY HAVELOCK said, there was no reason why in India the number of a court martial should not be five.

COLONEL STANLEY could not accept the proposal in its entirety, because, if carried, it might produce delay; but, at the same time, he saw no objection to leaving out the words “United Kingdom;” and he, therefore, proposed to amend the Amendment in those terms.

Amendment, as amended, *agreed to*.

MR. O'DONNELL moved, in line 35, after the word “days,” to insert “or flogging,” his object being that when flogging was to be inflicted it should be by the order of a higher court than a regimental court martial.

Amendment proposed,

In page 22, line 35, after the word “days,” to insert the words “or flogging.”—(*Mr. O'Donnell*.)

Question proposed, “That those words be there inserted.”

COLONEL STANLEY could not accept the Amendment. If the punishment of flogging remained, it would be necessary to leave its infliction in some cases to regimental courts martial.

Question put.

The Committee *divided*:—Ayes 16; Noes 97; Majority 81.—(*Div. List, No. 131.*)

COLONEL DRUMMOND-MORAY said, if the latter part of the sub-section, the omission of which he intended to move, were allowed to remain in the clause, a great alteration would be thereby made in the law as it at present existed. Under the Articles of War some offences were considered

to be of too grave a character to be tried by regimental courts martial, and were, therefore, dealt with either by general or district courts martial; but the effect of the clause as it then stood would be to render such offences triable by regimental court martial. The opinion held by one commanding officer as to whether a certain offence should be tried by general, district, or regimental court martial, might be entirely different from the opinion held by another commanding officer; and, therefore, it might occur that of two persons tried for the same offence, say at Aldershot, one might receive a heavy sentence from a district court-martial, while the other, being tried by regimental court martial, would only get half the punishment awarded in the other case. The clause gave greater power to the commanding officer than he now possessed, inasmuch as it would rest with him to decide whether a man should be liable to 42 days' imprisonment, or whether he should be liable to two years' imprisonment. For these reasons, he thought that the offences triable by courts martial should be scheduled in a way which would insure that grave offences should be tried by higher courts than regimental courts martial. He therefore moved in page 22, line 35, to leave out from the word “ignominy,” to the end of the clause.

Amendment proposed,

In page 22, line 35, to leave out from the word “ignominy,” to the end of the Clause.—(*Colonel Drummond-Moray*.)

Question proposed, “That the words, ‘but subject as aforesaid,’ stand part of the Clause.”

COLONEL STANLEY objected to the Amendment, on the ground that it would practically give no discretion to commanding officers in the matter of courts martial. It was well known to be the custom, under the old rule, to apply for the appointment of the highest class of courts martial by which a man could be tried; and the answer usually given was—“You must try by district court martial; we cannot give you a general court martial.” By allowing the clause to remain unaltered, he could not help thinking that the responsibility of deciding the proper class of courts martial to be convened would be left upon the shoulders of the right persons.

SIR ALEXANDER GORDON entirely agreed with the views expressed by the hon. and gallant Members opposite who had just spoken. It was well known that commanding officers of regiments would, in many cases, try grave offences by regimental court martial, in order to have a blank court martial return; and the Commander-in-Chief, as well as the War Office authorities, were very apt, in consequence, to form an erroneous judgment as to the character of particular regiments. It was very necessary to insure that commanding officers should not shrink from bringing their men to court martial for grave crimes; but this would be rendered impossible if the clause remained in its present form.

COLONEL ARBUTHNOT took a little exception to the remarks of the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon), which implied an intention on the part of commanding officers to screen the men in their regiments from the punishment due to their offences. Such cases, in his opinion, were so rare and extraordinary that it would be quite unnecessary to provide for them. But there was much that was worthy of consideration in the proposal of the hon. and gallant Member for Perthshire (Colonel Drummond-Moray); because there could be no doubt that commanding officers differed very much in the views which they took as to the gravity of crimes—some regarding a crime as a grave one, which others would look upon as perfectly venial. For that reason, he agreed that it would be advisable to schedule the offences in the manner suggested by the hon. and gallant Member.

MR. CAVENDISH BENTINCK could not admit that any sufficient reason had been urged for limiting the discretion of officers in the matter of courts martial.

SIR ARTHUR HAYTER thought that some security other than that which the right hon. and gallant Gentleman the Secretary of State for War had introduced into the clause should be provided in the Bill. The Articles of War prescribed the offences which were triable by the various degrees of courts martial; but the present Bill contained no similar security. He supposed, after the passing of this Bill, very little would be heard of the Articles of War; and it was, therefore, very important that the Amendment of the hon. and gallant

Member for Perthshire (Colonel Drummond-Moray) should, in some form, be accepted.

COLONEL DRUMMOND-MORAY trusted that the right hon. and gallant Gentleman would state to the Committee whether he intended to schedule the offences?

COLONEL STANLEY, for the reasons already stated, was unable to agree to the proposal of the hon. and gallant Member.

SIR WILLIAM HARCOURT could not agree that the matter could be best dealt with by scheduling the crimes. He understood that one of the great difficulties was that originally under the Articles of War the matter was arranged, not according to the character of the crime, but according to the character of the tribunal which carried with it the punishment. The great objection to that, and the one which induced the Committee to assent to the plan proposed was, that it was said that when an offence was carried to a district or general court martial the court seemed to feel that they were compelled, from the mere fact of the crime being carried before them, to award a high punishment. That was one of the strong arguments by which the Committee were pressed. As far as he understood the clause, it proposed that offences of whatever character might be submitted to a regimental court martial; but that the regimental court martial should not give more than a certain amount of punishment. It was quite possible that the authorities might consider that the offence, owing to the circumstances which surrounded it, might be adequately dealt with by a moderate punishment, and would, therefore, not send it to a general or district court martial; where the punishment might be of a very much heavier kind; but he could not understand that any officer in command of a regiment would desire that crimes should meet with an inadequate punishment; if so, he would be extremely unworthy of the commission which he held. He (Sir William Harcourt) was surprised to hear officers of such experience as the hon. and gallant Members for Ayrshire (Colonel Alexander) and Aberdeenshire (Sir Alexander Gordon) say that commanding officers would deliberately refer crimes to certain tribunals because they knew that they would be inadequately dealt

with. If that were so, all he could say was that, instead of amending the present clause, the officers in question ought to be removed from the Army, because they must be persons utterly unfit to discharge the duties which they were called upon to perform. But, taking a higher view of them, if they were fit for the positions in which they were placed, they must exercise some discretion as to whether a crime ought to be referred to one tribunal or another, and that was what the clause provided for.

SIR WILLIAM CUNINGHAME trusted that the Secretary of State for War would make some concession in this matter; for he fully concurred in the opinions which had been expressed by his hon. and gallant Friends upon the subject of scheduling the crimes to be referred to the various degrees of courts martial. Those opinions, he felt sure, would be shared by commanding officers who were experienced in these matters. And, speaking from his own experience, he thought it advisable that the proposed Amendment should be adopted by the Committee. He had no recollection of there having been any difficulty in carrying out the old arrangements, which left certain offences to be tried by the highest class of courts martial, and others to courts martial of the second class, while crimes of another degree were referred to regimental courts martial; on the contrary, as a matter of practice the rule had worked exceedingly well, and he could not see what advantage there would be in instituting a new system which, in his opinion, could hardly be an improvement on the old regulations, that had worked so well for many years. Therefore, he thought it would be a very good plan to schedule crimes in the manner proposed by the hon. and gallant Member for Perthshire.

SIR ALEXANDER GORDON was bound to say, after the remarks of the hon. and gallant Member for Hereford (Colonel Arbuthnot), that when he had gained the experience which he trusted he would some day possess, he would find that the facts alluded to by him (Sir Alexander Gordon) had been accurately stated. Whenever the hon. and gallant Gentleman looked over the books of many regiments, he would see that nothing was more common than that some offences had been disposed of

by an officer instead of being referred to court martial, and others were tried by an inferior court which ought to have been referred to a superior court. By Act of Parliament, and by the Articles of War, disobedience to orders was a crime which no commanding officer could punish himself, yet this was frequently done. Again, it was a fact that when the quarterly returns of courts martial were sent in, objections were often taken to the courts martial which had been held upon certain offences; and in almost every case a note was returned to say that "this crime ought to have been tried by a superior court, where is the authority for this man's trial?" He therefore hoped the Secretary of State for War would see his way to provide a remedy for these irregularities.

COLONEL ALEXANDER felt so strongly on this subject that he hoped it would be pressed to a Division. With reference to the remarks which had fallen from the hon. and learned Member for Oxford (Sir William Harcourt), he wished to state that it was by no means the case that all offences referred to superior courts martial were supposed to be visited with penal servitude. He (Colonel Alexander) was president last year of a general court martial, when two prisoners were tried for insubordination, and in one case the man was awarded five years' penal servitude; but, the circumstances of the other case not appearing of so grave a nature, the second man was only sentenced to two years' imprisonment.

Question put.

The Committee divided:—Ayes 57; Noes 31: Majority 26.—(Div. List, No. 132.)

Clause agreed to.

Clause 48 (General and district courts martial).

COLONEL STANLEY proposed to leave out the words "prescribed number of," in line 10, page 23, in order to insert the word "nine," instead thereof.

Amendment agreed to.

COLONEL STANLEY proposed to leave out from line 13, page 23, the words—

"Such number to be, in the United Kingdom, not less than nine, and elsewhere not less than five,"

in order to insert instead thereof—

"Provided, if it be the opinion of the officer who convenes the court martial, such opinion to be expressed in the order for convening the court martial, and to be conclusive that such nine officers are not, having due regard to the public service, available, that such court martial shall consist of not less than five officers."

MR. O'DONNELL thought it would be well to make the minimum number of officers on general courts martial seven instead of five.

COLONEL STANLEY replied, that the number of officers stated in the clause was in accordance with the Articles of War and immemorial usage.

Amendment agreed to.

COLONEL STANLEY proposed to leave out from line 16, page 23, the words "prescribed number of," in order to insert the word "seven," instead thereof.

Amendment agreed to.

COLONEL STANLEY proposed to leave out from line 17, page 23, the words—

"Such number to be, in the United Kingdom, not less than seven, and elsewhere not less than three,"

in order to insert—

"Provided, if it be the opinion of the officer who convenes the court martial, such opinion to be expressed in the order for convening the court martial, and to be conclusive that such seven officers are not, having due regard to the public service, available, that such court martial shall consist of not less than three officers."

MR. O'DONNELL proposed to amend the proposed Amendment of the right hon. and gallant Gentleman, by inserting the word "five," instead of "three," as the minimum number of officers that should be accepted for district courts martial. It was felt that a regimental court martial should consist, if possible, of five officers; and, surely, there could be no difficulty in assembling five officers out of the regiments assembled in the district for the purpose of a regimental court martial. He could not accept a less number than five without taking a Division. If that number of officers could not be got together, it would be more to the dignity of the Service that the court martial should not be held at all.

SIR ALEXANDER GORDON hoped that the right hon. and gallant Gentleman would add the words, "Provided, that none of the three officers

shall be under the rank of captain." As the Bill stood now, two lieutenants and a captain might constitute a court martial; and he thought that the officers should be all captains, or, at any rate, that the lieutenants should have gained some experience by active service.

COLONEL STANLEY could not agree to this Proviso, although he was prepared to admit that it was desirable that officers forming a court martial should be men of experience. There was no limit for the status of these officers in the Article of War, which merely said that the court should consist of not less than three commissioned officers. With regard to the proposed Amendment of the hon. Member for Dungarvan (Mr. O'Donnell), the point to be considered was that, on the one hand, by fixing the minimum number of officers at three, the court might not be so fully constituted as might be desirable; while, by drawing a hard-and-fast line, and making the minimum number five, the assembling of the court might be rendered impossible for a considerable time, which was the very thing they were endeavouring to avoid. The balance of advantage was, therefore, in his opinion, in favour of three commissioned officers. He trusted that the hon. Member would not go to a Division; but, if so, it would, perhaps, be well to divide at once.

SIR ALEXANDER GORDON pointed out that in the United Kingdom, India, Malta, and Gibraltar, a district court martial must consist of seven officers, and that in Nova Scotia and Bermuda it must not consist of less than five. But by the present clause it was proposed that three officers might constitute a court martial in any part of the world. He looked upon this as too great an extension of the principle of reducing the number of officers on district courts martial.

SIR ARTHUR HAYTER pointed out that the number of officers to be appointed would be governed by the words proposed to be inserted by the right hon. and gallant Gentleman, and that the convening officer would be obliged to express in writing that a greater number could not be obtained consistently with the public interest.

SIR WILLIAM HARCOURT confessed that he could not understand how the clause stood. The view taken

Colonel Stanley

by one officer of the interests of the public service might be different to that held by another. A convening officer might think that the officers were better employed in attending to their duties than in sitting upon a court martial, and might have the opinion that this was a sufficient reason for saying that a greater number of officers than three was not available. He did not think that it could ever be the case that in the United Kingdom and India seven officers were not available for a district court-martial. The Articles of War prescribed that a district court martial should consist of seven officers in the United Kingdom, East Indies, Malta, and Gibraltar; but excepted some parts of the world—as Nova Scotia and Bermuda—where, in case of difficulty arising, the court might consist of five officers.

COLONEL ARBUTHNOT thought this was a matter which might be dealt with by the Regulations, and that a special instruction might be issued to meet the peculiarities of each case.

MR. BIGGAR objected to leaving the matter to be dealt with by the authorities, when it could be settled by the House of Commons. It was all very well to allow the authorities to administer the laws; but it was the function of the House of Commons to make them. He hoped the Amendment would be pressed to a Division.

MR. O'DONNELL said, the only argument which had been used by the right hon. and gallant Gentleman in favour of his Amendment was that a prisoner might be often inconvenienced by having his case unduly postponed. But this could not be properly applied to the present question; for he fancied that very few prisoners, indeed, would not be perfectly willing to have their trial postponed, rather than that their case should come before an imperfect tribunal.

COLONEL STANLEY said, the point was not an important one, and, as the hon. and gallant Member for Hereford (Colonel Arbuthnot) had suggested, could be dealt with by the Regulations. He had no objection to put in the words—

"If convened in the United Kingdom, East Indies, Gibraltar, or Malta, the court shall consist of not less than seven officers."

It would rest with the convening officer to say why that number was not available.

MAJOR NOLAN explained, that the great difficulty was to get rid of any individual who entertained wrong views, and persons of that character were almost always to be found on courts martial. If the number were reduced to three, the influence of such a person would be too great; but, with a minimum number of five, it would not make itself so much felt. His opinion was that the minimum number everywhere should be five; for if five officers were sufficient to constitute a general court martial, not only would a great deal of trouble be saved, but the district court martial would be much more used than the regimental court martial, which would get rid of the idea prevalent in the Army that a district court martial thought itself bound to award heavier punishments than a regimental court martial. Although he believed that the number of district courts martial consisting of three officers might be counted on the fingers of the hand, at the same time he saw no use whatever in keeping the number up to seven. He asked the Secretary of State for War to agree to one uniform number as the minimum for district courts martial; and therefore begged to move to insert, in line 17, page 23, after the words "to be," the words "not less than five," and leave out the remainder of the clause.

SIR WILLIAM HARCOURT would ask the right hon. and gallant Gentleman the Secretary of State for War to consider the proposal of the hon. and gallant Member for Galway, as it seemed to him that it offered a very simple way out of the difficulty. Anyone, he should have thought, would be satisfied to have a court martial composed of five, and if a larger number were required they could be appointed; but he did see great force in the argument that where an offence was so serious that it had to be brought before a district court martial, then there ought to be not less than five officers to deal with so serious a matter. It seemed to him that what the hon. and gallant Member proposed was a very satisfactory solution of the case. There was a subsequent clause in the Bill which bore upon this question—namely, that which provided that a sentence of death should not be inflicted unless two-thirds of the officers composing the court martial concurred. It seemed to him that it would be rather

difficult to say what were two-thirds of five, or even of seven. That matter could be dealt with when the clause was reached; but he was very much in favour of the Amendment proposed.

COLONEL STANLEY said, that he agreed in principle with the Amendment; but what he should propose was to insert in the clause "that a court should be composed of not less than seven," and then, in the remainder of the clause, to leave it to the general officer to state the reason why he had not found sufficient officers available to make up that number, and in that case to allow him, in the exercise of his discretion, to make the court not less than three. He would, however, look into the matter, with a view of seeing whether the adoption of the Amendment proposed by the hon. and gallant Member for Galway would give rise to any practical difficulty; otherwise, he was disposed to assent to it. He could not help remarking that this Article of War had been framed from the experience of past years, and he thought there might be considerable difficulty in making the minimum number of officers more than three.

SIR ALEXANDER GORDON said, that the Amendment of the hon. and gallant Member for Galway would take away the possibility of having a court composed of three officers only, in case no more were obtainable. He thought that result would be undesirable. If five were taken as the minimum, he thought there should also be a provision that not less than three of those officers should be of the rank of captain.

MAJOR NOLAN considered that subalterns of five years' service were just as fit to form an opinion on any military subject as many captains. He did not say that an officer of less than five years' service was fit; but he was of opinion that officers of that seniority would make a very good court. The number of officers on these courts martial should be, at least, five. The object of having five was to get rid of the opposition of a man who was influenced by particular views. Where a court martial was composed of three only, the opinions of one man who held peculiar views, perhaps, on the gravity of the offence for which the soldier was being tried had an undue preponderance. When the court was increased to five, the influence of one man was not so great. He was not anxious

to see any limit of rank imposed upon the officers forming these courts martial; for his experience was that junior officers, although necessarily inexperienced, were, as a general rule, on the side of mercy. If an Amendment was to be proposed, he should be inclined to say that the officers composing the court should be of not less than five years' service.

COLONEL ALEXANDER wished to point out that the difficulty as to obtaining two-thirds of a court composed of five and seven never practically arose; for this reason—a district court martial had never had the power of passing sentence of death; whereas a general court martial, which had the power of passing a sentence of death, was required to be composed of a greater number.

THE CHAIRMAN inquired whether the hon. and gallant Member for Galway wished to withdraw his Amendment?

MAJOR NOLAN said, that he did—that he was willing to withdraw it.

Amendment, by leave, *withdrawn*.

MR. O'DONNELL said, that he should take a Division.

MR. O'CONNOR POWER remarked, that the right hon. and gallant Gentleman the Secretary of State for War did not entertain any objection to the proposal of the hon. and gallant Gentleman the Member for Galway; but, on the other hand, was disposed to agree with it, although he was not prepared to carry it out then. If so, it seemed to him that the hon. Member for Dungarvan (Mr. O'Donnell) would act wisely in not pressing his Amendment. He thought that the right hon. and gallant Gentleman in charge of the Bill might very well plead for a little time for the consideration of the Amendment.

MR. O'DONNELL had very great pleasure in postponing his objection till the Report.

COLONEL STANLEY said, he would move, in sub-section 4, after the words "United Kingdom," to insert "East Indies, Malta, and Gibraltar," thus putting those places on the same footing as this country in respect of the composition of district courts martial. Also in the same sub-section, after the words "not less than seven," to leave out "and elsewhere not less than three," in order to insert—

"Provided, That in the opinion of the officer convening the court martial, such opinion to be

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expressed in a prescribed way, seven officers are not having regard to the exigencies of the public service available, then the court shall consist of three."

Amendments agreed to.

SIR ALEXANDER GORDON moved, in page 23, line 19, after the word "officer," to insert "or person holding the relative rank or position of an officer." His object in moving this Amendment was to provide for the trial of those persons who were not officers, and who were also not soldiers; but who were, nevertheless, subject to military law. If hon. Members would turn to page 94, they would find that a certain class of persons were made subject to military law and liable to be tried by court martial.

"All persons not otherwise subject to military law who are followers of or accompany Her Majesty's troops, or any portion thereof, when employed on active service beyond the seas, subject to this qualification, that where any such persons are followers of or accompany any portion of Her Majesty's Forces consisting partly of Her Majesty's Indian Forces subject to Indian military law, and such persons are Natives of India within the meaning of Indian military law, they shall be subject to that law."

That clause would include a very large and varied class of persons who followed an Army in various capacities, and who were civilians. Sometimes persons were sent out by the Secretary of State for War as official interpreters and in various capacities. There were also newspaper correspondents with a large Army in the field. There was thus a large number of persons following the Army who held the position of gentlemen, and, therefore, the position of officers. By this clause, as it was framed, every one of these persons would be liable to be tried by district courts martial as a common soldier, and to be sentenced and to suffer the punishment of a common soldier in the field, including corporal punishment or imprisonment. He thought that to subject those civilians, who might be engaged in the public service with an Army in the field, to such penalties as this was inflicting upon them a very great hardship. If they were always under protection of the Commander-in-Chief of the Army, there would be no great reason to complain. But any person with an Army in the field, who had authority to convene a

district court martial, might order any of these gentlemen to be tried by a district court martial. It was right that the Committee should understand, and that these persons should know, what position they occupied when an Army took the field. He might state that the power of punishing these persons was not in the old Acts, but was a new power, and was totally unknown in any previous Act of Parliament. He thought the Committee should properly understand what it was doing before it passed this clause of the Bill in the shape in which it now was, for it might lead to most important and unpleasant questions.

COLONEL STANLEY confessed that he did not very clearly see what necessity had been shown for the Amendment, nor did he quite understand what the effect of it would be. At the same time, he quite agreed with the reasons that the hon. and gallant Member had brought forward in favour of the Amendment. The insertion of the words would, it seemed to him, cause considerable inconvenience, for he apprehended that it would be most difficult to know what persons occupied the relative rank or position of officers. He did not think that these persons would be tried by courts martial where a civil court could act. Persons who voluntarily chose to attach themselves to the Army would know the liability to which they subjected themselves, and could not expect to be dealt with in any other manner than other persons who were under military law. He was really at a loss to understand what was aimed at by this Amendment, unless it had in view the case of newspaper correspondents.

SIR ALEXANDER GORDON said, that the Amendment was intended to protect the numerous class of persons who followed an Army in the field.

COLONEL STANLEY remarked, that if such persons did not form a part of the Force, they were not liable to come under the provisions of the Act. And if they formed part of the Force, he could not imagine anything more inconvenient than that persons who received advantages, such as being mounted, or having facilities granted to them, and yet should be able to turn round and say, "You have no control over us." He could not conceive anything more inconvenient than the adoption of such a course; particularly, as the Committee had already

included camp followers amongst persons subject to military law.

SIR HENRY HAVELOCK said, there was a distinction which the hon. and gallant Member desired to draw, and which he thought the Committee would also draw. He took it that the distinction which was intended to be drawn was one which did not, in any degree, militate against the maintenance of discipline, or of that discipline which was applied to the persons in a civilian capacity serving with an Army in the field. The distinction he wished to make was that, whereas, in the clause further on, all persons following the Army were taken without discrimination, the hon. and gallant Gentleman wished, in the case of newspaper correspondents, or artists, or photographers, that those persons should, without making any invidious distinction, be put on a different footing from camp followers and persons who attached themselves to the Army for the purpose of selling drink to the soldiers. The hon. and gallant Gentleman wished to make a distinction between those classes of persons in the manner in which military law should be applicable to them. For his part, he could not conceive any practical difficulty in drawing the distinction which it was desired to make. It was desired, in the case of superior persons following the train of an Army, to render them liable to be dealt with by military law as officers, and not to be subject to trial by a district court martial, which was an inferior court, intended only to try private soldiers. He thought that the right hon. and gallant Gentleman would be able to see his way to accept the principle of the Amendment, for there could be no possible objection to making the distinction. In the case of a large Army in the field, if any person holding the relative position of an officer committed an offence which it was deemed necessary to try him for, there would be no difficulty in assembling a sufficient number of officers to constitute a general court martial. In every succeeding year a larger number of civilians of a superior class accompanied Armies in the field, and the hon. and gallant Member for Aberdeenshire did not desire that they should be placed indiscriminately in the same class as common camp followers, whom the Act allowed to be dealt with summarily.

Colonel Stanley

There was a necessity for drawing a broad distinction between the two classes of persons, and to subject each class, when necessary, to military law.

THE SOLICITOR GENERAL (SIR HARDINGE GIFFARD) was totally ignorant of the way in which the distinction was to be drawn, or what were the different classes between which the hon. and gallant Member desired to draw the distinction. What was the relative rank or position of an officer? Did the photographer, or the photographer's man, hold such a place, or did they both hold it? So far as he could understand, the position of an officer in the Army was quite clear, and admitted of no doubt; but if they drew this very arbitrary and wholly artificial distinction as to the relative rank or position of an officer, he wished to know where they could draw the dividing line? It seemed to him that it would be wholly impossible in practice to say what class of persons held the relative rank or position of officers.

SIR ALEXANDER GORDON said, that, perhaps, the matter was very amusing to the hon. and learned Gentleman; but he could inform him that the class of persons who held the relative rank and position of officers was laid down by the Queen's Regulations. Some civilians ranked as majors, some as colonels; and there were civilians attached to Armies who received pay and allowance according to their relative rank. They were followers of the Army who would, under this clause, unless it was amended, be liable to be tried as private soldiers.

COLONEL STANLEY said, that the hon. and gallant Gentleman would carry out his object more effectually, if he were to move this Amendment on Clause 166. He was at a loss to understand what the hon. and gallant Gentleman intended, or how he proposed to define which civilians were in the relative position of officers and which were in the position of soldiers. It was open for the Amendment to be moved on the 166th clause. As he understood the matter, these persons did not form any part of an Army in the field, nor did they hold any commission; but their status was to be decided by some process which he was at a loss to understand. If he were in Order, he would refer to Sub-section 7, which said that every person not other-

wise subject to military law accompanying an Army in any official capacity was subjected to certain provisions. It would be legitimate for the hon. and gallant Gentleman to add to that sub-section words to meet the case of the persons he had in view. But to insert his Amendment there, would lead to great inconvenience and confusion.

MR. HOPWOOD said, that if his hon. and learned Friend the Solicitor General had done them the honour of listening to their argument, he would not have made the observations he had done. His hon. and gallant Friend wished to put in some definition to take a certain class from the cognizance of the district court martial; and he had mentioned several instances of persons who would be brought under the operation of the clause. It had been further pointed out, by his hon. and gallant Friend the Member for East Aberdeenshire, that this was an entirely new provision, and that up to that time any discipline, with regard to civilians accompanying an Army, had been left entirely in the hands of the Commander-in-Chief of the Forces in the field. The House was now undertaking to legislate in this matter, and it was desirable to see exactly what it was doing. They provided that a district court martial should not try an officer; and, therefore, it should be provided that it ought not to try a civilian of the rank of an officer. His hon. and gallant Friend might be hampered with difficulty in giving a precise definition of the class whom he intended; but, because there was a difficulty in meeting their case, it by no means followed that these persons should be treated unjustly. Clause 166 defined officers who were exempted from the provisions of this clause by its express words. Officers were defined to mean—

“Every person not otherwise subject to military law who under the orders of a Secretary of State or of the Governor General of India accompanies in any official capacity any of Her Majesty's troops on active service in any place beyond the seas, subject to this qualification, that where such person is a native of India within the meaning of Indian military law, he shall be subject to that law as an officer.”

But the definition of persons “not otherwise subject to military law” as soldiers included newspaper correspondents; and if the clause were left as it stood, any artist or newspaper correspondent accompanying an Army would be subject

to military law, and liable to be tried by a district court martial. If this were the effect of the clause, he should be in favour of doing away with it altogether; but if the Government insisted on retaining it, he contended that they ought to go further, and make the distinction that was sought to be drawn.

SIR HENRY HAVELOCK remarked, that the operation of this clause could be readily seen. If the right hon. and gallant Gentleman himself chose to accompany an Army in the field he would be accompanied, probably, by a servant, and that servant would be, by the Act, subject to military law, and liable to be tried by a district court martial. But the right hon. and gallant Gentleman himself would also be in the same position. Would he like to be tried in the same manner as his servant? This was precisely the distinction which his hon. and gallant Friend was desirous of drawing. It would be quite sufficient to mention, as an instance of the distinction to be drawn, persons who were authorized by the Secretary of State to accompany an Army in the field. The only object in raising this question was to apply to a certain clause, to civilians who accompanied an Army in the field, the provisions to which they were entitled. If the right hon. and gallant Gentleman would introduce into the sub-sections of Clause 48, or into sub-section 7 of Clause 166, words carrying out these distinctions, they would be quite content. If an assurance to that effect was not given, he should go to a division with his hon. and gallant Friend in favour of his Amendment.

THE SOLICITOR GENERAL (SIR HARDINGE GIFFARD) was wholly unable to understand what was intended to be settled by this Amendment, when it was said that not only an officer, but a person holding the relative rank or position of an officer should not be tried before a district court martial. What was the relation of the one person to the other? What were their relative positions? The matter depended upon something entirely outside of any distinctions which existed in the Bill; but, whether any such distinctions could be drawn or not, the time for dealing with these matters would obviously arise when they were on the clause defining officers. The words in question were intended to settle something; but, in reality, they settled

nothing, but left the section a very difficult one to understand. For these reasons, he trusted that the Committee would not consent to the Amendment.

Mr. BIGGAR thought that the hon. and learned Gentleman should not raise any difficulty to the very reasonable suggestions that had been offered. If he remembered a case which happened a short time ago, the distinction that was sought to be drawn would be apparent to him. He referred to the case of a correspondent of *The Standard* newspaper. Much controversy occurred between the general in command of a Force in Afghanistan and this correspondent, as to the way in which the correspondent should send news. The general thought that the correspondent should send only such news as was favourable to his own character as a military commander; but the correspondent thought he should describe things pretty much as they really were. In future, immediately such a controversy arose a general of this kind could at once order a correspondent to be put on his trial before a district court martial. The Amendment proposed by the hon. and gallant Gentleman would render a general much more careful in putting a correspondent of a first-class newspaper upon his trial for any offence. It was not possible to lay down in words the precise definition aimed at; but he thought the Amendment proposed very clearly defined the general idea, and would be found to work well in practice.

SIR WILLIAM HARCOURT said, that if hon. Members would turn to Clause 166 they would see that there was a definition of persons subject to military law as officers. The clause was as follows:—

"The persons in this section mentioned are persons subject to military law as officers, and this Act shall apply accordingly to all persons so specified; that is to say."

Then the sub-section went on to define the various classes of officers, and sub-section 7 was to this effect—

"Every person not otherwise subject to military law who under the orders of a Secretary of State or the Governor General of India, accompanies in any official capacity any of Her Majesty's troops on active service in any place beyond the seas, subject to this qualification, that where such person is a native of India within the meaning of Indian military law, he shall be subject to that law as an officer."

Thus it would be seen that all persons

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accompanying an Army in the field in an official capacity, under the orders of a Secretary of State or the Governor General of India, possessed all the benefits, and were subject to all the liabilities of officers. What he wanted to know was, whether they could not go further than that, and treat as officers everyone who had no official recognized position? He did not see how persons having no official recognized position could be treated as officers. How was a correspondent, or any other man, to be considered to have official capacity, unless he were recognized by a Secretary of State, or by the Governor General of India? If a man went in an officially recognized position he would be treated as an officer; but, if not, he did not see how he could be put in the position of an officer. The hon. and learned Member for Stockport (Mr. Hopwood) would find that the case of special correspondents of newspapers was provided for, and that they were triable in India exactly as they would be under this clause in England. By the existing Mutiny Act newspaper correspondents were triable in all respects, as camp followers were in India. They were liable to the Mutiny Act, as everyone else following the Army was. There was no exceptional position accorded to them. Clause 166 seemed to him to draw the only distinction they could draw—namely, between persons having an officially recognized position and those who had not. Without they had that recognized position the clause applied to them; but when they did not come under Clause 166, they could be treated only as persons not otherwise subject to military law who followed, or accompanied, the troops, and were, to that extent, in the position of private soldiers.

SIR HENRY HAVELOCK said, his hon. and gallant Friend had correctly pointed out that correspondents with the Army in India were under official protection. Hon. Members were now desirous of knowing how this could be extended to places outside India. There were many civilians serving with the Army in Afghanistan who had not so provided themselves. There was Mr. Archibald Forbes, and others not equally well known, who would be affected by this clause.

SIR WILLIAM HARCOURT: Let him get an order,

COLONEL STANLEY contended that under the sub-section 7, both classes of persons were provided for. He did not think it was too much to claim that a person in the status of an officer, allowed to feed and lodge in camp, should be subject to this arrangement.

SIR ALEXANDER GORDON said, in the Mutiny Act the words used had always been an "officer and soldier;" but all through this Bill these words had been altered, and the words used were "persons subject to military law." That was a very different thing, and included the class of persons whom he mentioned. This Bill altered the whole condition of things. He only wished the Committee to be aware of the condition of things, so that it might know what it was doing. This, perhaps, was a matter which could be discussed when they came to the Interpretation Clause; but, in the meantime, he would suggest that "soldier" be used here, instead of "persons subject to military law."

THE CHAIRMAN asked, did the hon. and gallant Member propose to withdraw his Amendment?

SIR ALEXANDER GORDON: I shall withdraw the Amendment, if the right hon. and gallant Gentleman accepts my suggestion.

MR. HOPWOOD said, it was provided that the district court martial should not try an officer. Well, ought it to try, say, a Mr. Kinglake, gathering the ideas for the history of the future? Did the right hon. and gallant Gentleman mean to say that he wished to have Mr. Kinglake tried by a district court martial? The answer might be that he had rank enough to get an order from the Secretary of State; but this answer did not meet the difficulty. The term "correspondent" was used because it was a convenient word. Men of rank might attend the Army from some laudable motives; and, therefore, he thought the case for the Amendment had been made out.

SIR WILLIAM HARCOURT hoped his hon. and learned Friend would give the Committee assistance how to distinguish between a person of rank and, say, a sutler in the Army. The question was, how to draw the line? The difficulty was, when they came to matters of opinion, whether a man belonged to one class or to another? The hon. and

gallant Member for East Aberdeenshire said that the Mutiny Bill only applied to officers and soldiers. He was in error there. Already, the Indian Forces had been pointed out as an exception. In India, especially, the 1st clause applied to every camp follower. [SIR ALEXANDER GORDON: I quite admit that.] That was so in point of principle. He wished to call the attention of the Committee to the fact that if the Bill was examined, it would be found that really very few of the clauses could refer to anyone but an officer or soldier. If they looked at the 4th and 5th clauses, they would see how very few clauses there were which could apply to anyone who was a civilian. When they came to the few clauses which referred to civilians, why should they not apply to them as well as to soldiers? Why should not a civilian be tried by a district court martial as well as a soldier, if the civilian picked a pocket or committed some other theft? He asked the hon. and learned Member for Stockport to run through the clauses and see what clauses there were to which civilians were subject. He would find very few indeed. If it was said that certain civilians were too great swells to be tried by district courts; if men like Mr. Kinglake, to whom his hon. and learned Friend referred, were not to be subject to the clause, then let them pass an Act of Parliament exempting Mr. Kinglake. The Government had tried that in Clause 166. If that was not enough—if the definition was not sufficient—let there be another; but, up to the present time, nobody had made a practical suggestion as to what was to take the place of the definition already given by the Government.

SIR HENRY HAVELOCK said, it was a marvel of marvels to him that his hon. and learned Friend had not apprehended the distinction hon. Members were desirous of drawing. He could only attribute it to the fact that the hon. and learned Gentleman was not present when the hon. and gallant Member for East Aberdeenshire was addressing the Committee. They were told to draw a distinction. But the distinction was ready for them in the words which the hon. and gallant Member had introduced in sub-section 4, Clause 48. All that he desired was this—that in the case of certain persons of a superior social condition, who were permitted to accom-

pany troops in the field, they should make a distinction which did not affect the degree of the crime committed. There was no difficulty whatever about that—"all persons holding the relative rank or position of an officer." If the acute legal minds which had been dealing with this matter had not by this time apprehended the simple and elementary distinction which was sought to be made, he must despair of the further progress of this Bill.

MR. O'CONNOR POWER said, he quite agreed that upon the proposer of an Amendment rested the responsibility of inventing the necessary description of what was desired. Clause 166 stated that "one who accompanies in an official capacity any of Her Majesty's troops on active service." What objection could there be to inserting those words here, after the word "officer?" What objection was there to saying that a district court martial should not try an officer, or one who accompanied in an official capacity Her Majesty's troops on active service? He could not see what objection there was to the insertion of this Amendment in the clause.

SIR WILLIAM HARCOURT said, there was no objection, but that it was done already. It would simply include those who were included in Clause 166.

SIR ALEXANDER GORDON said, he had already stated that he was willing to postpone this matter until they came to Clause 166. He should withdraw the Amendment as it stood, and move, instead, to omit the words "persons subject to military law," and insert the word "soldier."

Amendment, by leave, *withdrawn*.

SIR WILLIAM HARCOURT moved to omit the word "officer," and insert the words "persons subject to military law as an officer."

COLONEL STANLEY said, he had no objection to that.

MAJOR NOLAN said, the correspondents of such a paper as *The Times*, and also of *The Daily News*, had been considered in the light of an officer, and treated as officers. It would be a nice position to take up to say that they were not to be treated as officers. That would be putting a very nice point to a court martial; and it was not fair to throw upon that court the duty of interpreting the point. He thought Ministers ought

to state what would be the course if a military correspondent was brought before a court martial under this clause. He thought there was a *prima facie* case that a correspondent was in the position of an officer. He was treated as an officer. He had that social position in the camp.

COLONEL STANLEY said, he had no doubt, in his own mind, that Clause 166, sub-section 7, would govern the case. He appealed to the Committee now to go on. He thought the point could be cleared up on Clause 166. He did not believe that it wanted clearing; but Clause 166 was open to those who thought that it did. The Amendment required consideration, and he hoped it would be withdrawn.

SIR HENRY HAVELOCK pointed out that the words proposed to be introduced by the hon. and learned Member for Oxford (Sir William Harcourt) should, in his opinion, follow the word "officer," and not the word "try."

SIR WILLIAM HARCOURT explained that the Amendment included all officers. He was not of opinion that sub-section 7 of Clause 166 covered the case of newspaper correspondents; because he could not conceive that a newspaper correspondent would ever be a person who accompanied the Army in any official capacity under the orders of the Secretary of State.

MR. O'CONNOR POWER understood that the Amendment would exclude officers.

THE CHAIRMAN pointed out that the word "officer" was already in the clause.

MR. O'CONNOR POWER thought the distinction would be clearer if the words "nor persons subject to military law as officers" were inserted after the word "officer." If the Committee inserted the Amendment, as suggested by the hon. and learned Member for Oxford, and said—"A district court martial shall not try any persons subject to military law as an officer," the distinction would not be clear. He, therefore, suggested that the hon. and learned Gentleman should insert his Amendment after the word "officer," so that it should be clear that a district court martial should not try an officer, and that it should be equally clear that it should not try a person as an officer.

SIR WILLIAM HARCOURT replied, that there would be a redundancy of ex-

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pression in the form proposed by the hon. Member for Mayo.

MAJOR NOLAN said, that the effect of the Amendment would be to raise a nice point of military law for future courts martial to interpret.

COLONEL STANLEY had no doubt that Clause 166, sub-section 7, provided for the case of newspaper correspondents; but he would accept the Amendment of the hon. and learned Member to make the matter more clear.

Amendment agreed to.

SIR ALEXANDER GORDON said, that the consequence of the Committee having adopted the last Amendment was to render it absolutely necessary to alter the wording of the Amendment which he proposed to introduce three lines further down. He, therefore, moved to omit the words "person subject to military law, and triable by court martial," in order to insert the word "soldier."

SIR WILLIAM HARCOURT objected to the Amendment. The Committee had already said that persons subject to military law as officers should not be tried by district court martial, and they were now asked to say that persons subject to military law, not as officers, should be tried by district court martial.

Amendment negatived.

SIR ALEXANDER GORDON moved, in page 23, line 25, to leave out the word "captain," and insert the words—

"Field officer, unless it be impossible to obtain the requisite number of field officers, in which case not more than one captain shall be a member of the court; and in no case shall a junior officer of the regiment to which the field officer under trial belongs be a member of the court."

The object of that Amendment was to make this Act agree with the existing rules of the Service. By the existing regulations of the Service, no captain could sit upon a court martial for the trial of a field officer unless it was impossible to get a sufficient number of field officers, and to that very proper custom he (Sir Alexander Gordon) wished to adhere. By the alteration made in this Bill, however, a field officer could be tried by a court martial composed entirely of captains. In his opinion, it was most undesirable that a large number of junior officers should assemble to try a field officer; because it had always

been the custom that officers should be tried by their peers. He could not understand why the word "captain" had been introduced into this Bill, instead of "field officer."

MR. BRISTOWE pointed out, that if these words were introduced in the order in which they stood, the sub-section would be unintelligible.

MAJOR NOLAN replied, that the construction was perfectly simple; the Amendment made it imperative on the general to have no officers on a court martial for the trial of a field officer below the rank of field officer if they could possibly be obtained. Perhaps the hon. and gallant Member for East Aberdeenshire would agree to two captains instead of one, and propose, in the last part of his Amendment, that—

"In no case shall a junior officer of the regiment to which the field officer under trial belongs be a member of a court."

It was a very improper thing to put junior officers upon these courts martial, and was, besides, most unfair to the other members of the court.

COLONEL STANLEY could not accept the Amendment. The 106th Article of War excepted only officers under the rank of lieutenant from being members of courts martial for the trial of field officers.

SIR ALEXANDER GORDON wished to alter the wording of his Amendment.

THE CHAIRMAN pointed out, that it would not be competent to amend the proposed Amendment, unless the Committee had decided to omit the word "captain."

Amendment negatived.

Clause, as amended, *agreed to.*

Clause 49 (Field general courts martial).

MR. O'CONNOR POWER wished to propose the Amendment standing in the name of the hon. Member for Dundee (Mr. E. Jenkins). He, therefore, begged to move that the words "outside the United Kingdom" be substituted for the words "beyond the seas;" and he thought that the right hon. and gallant Gentleman the Secretary of State for War might, perhaps, see his way to the adoption of that Amendment, inasmuch as the expression "outside the United Kingdom" was less open to doubt and misunderstanding than the expression "beyond the seas."

COLONEL STANLEY had no objection to the proposed Amendment; but if the hon. Member would look to the bottom of page 106, he would find the expression "beyond the seas" was there defined to mean out of the United Kingdom, the Channel Islands, and the Isle of Man.

Amendment, by leave, *withdrawn*.

SIR HENRY HAVELOCK proposed, after line 29, page 24, to introduce a precautionary clause which must have been omitted through an oversight—namely, to restrict the powers of general field courts martial by a provision which existed in the old Act. He proposed to insert, in page 24, line 29, after the word "award"—

"Provided always, That no sentence of any court martial shall be executed until the General commanding the Army of which such detachment or portion forms part shall have approved and confirmed the same."

It never could have been intended by those who framed this Bill that this precautionary clause should be omitted. The Bill had been too much cooked, and erred in excessive drafting. The latter part of the sub-section said—

"A field general court martial may, notwithstanding the restrictions enacted by this Act in respect of the trial by court martial of civil offences within the meaning of this Act, try any person subject to military law who is under the command of the convening officer and is charged with any such offence as is mentioned in this section, and may award for such offence any sentence which a general court martial is competent to award."

He would apply this to the case of the civil disturbance or commotion which occurred in Jamaica some years ago. It would have been competent for the officer convening a general field court martial under this clause, and which might be restricted to three members, not only to sentence persons who, for the time being, came under military law to imprisonment, but it would have been competent to the convening officer, not necessarily the highest authority in the district, to pass a sentence affecting the life of an individual. If his reading of the clause were correct, it was obvious to anybody that his Proviso was a necessary safeguard, which, without restricting the operation of military law in certain places, otherwise not subject thereto, would maintain a

security for the life of the subject; for when an individual had been sentenced to death, it would be necessary that his sentence before execution should be referred to the general officer, or others in supreme command of the Army, of which the court that tried him formed only a small part.

COLONEL STANLEY said, the substance of the Amendment of the hon. and gallant Member for Sunderland was already in the Bill. He presumed that the words "no sentence of any court martial shall be executed," &c., meant that it could not be executed until it was confirmed. The hon. and gallant Gentleman would see that this was already provided for in sub-section *d* of Clause 54, which said—

"In the case of a field general court martial, an officer authorized to confirm the findings and sentences of general courts martial for the trial of offences in the force of which the detachment or portion of troops under the command of the convening officer forms part."

He had no objection to the insertion of the Proviso; but suggested that its object was covered by the sub-sections to which he had referred.

SIR HENRY HAVELOCK was of opinion that the sub-section alluded to did not cover the point raised.

COLONEL ALEXANDER said, that detachment general courts martial were first instituted after the battle of Vittoria, in the year 1813, when the Duke of Wellington found himself obliged to make use of them, for the purpose of repressing plundering and outrages upon women in Spain. It was because it was impossible to drag to the head-quarters of the General these women who had been outraged, that evidence had to be taken on the spot where the court martial was held; but before sentence was carried into execution, it was referred to the General commanding that portion of the Army of which the court martial formed a part.

SIR GEORGE CAMPBELL said, that in the case of serious offences it was right to have some such provision as that suggested by the hon. and gallant Member for Sunderland. He understood that the clause provided for cases for the trial of which a civil magistrate was not available, and which would, therefore, be tried by court martial. Understanding that this clause was for the protection of the inhabitants of the country, and sup-

posing that some petty offences were committed against them, was it intended in such case that no punishment could be inflicted upon the offenders without reference to the General commanding the Army? If so, the proceeding would be cumbrous in the extreme.

COLONEL ALEXANDER explained that the offenders could be tried without reference to the General, but could not be executed.

SIR GEORGE CAMPBELL said, however necessary punishment in small cases might be, it would be rendered almost impossible to inflict it under these circumstances.

MAJOR NOLAN pointed out that this particular disqualification applied only to the extraordinary tribunal of field general court martial.

MR. O'CONNOR POWER said, even if the Amendment proposed by the hon. and gallant Member for Sunderland were adopted, it would be no guarantee that such scenes as occurred in Jamaica would not be repeated. One great object of the Amendment was that the officer who approved the decision of the court martial should act under a sense of responsibility. The object in view now was to place responsibility on the General commanding the Army, who, as in the case of the commanding officer, so to speak, in Jamaica, might be able to escape from responsibility for want of the provision which the hon. and gallant Member for Sunderland wished to supply. He would like to know what objection there could be to the proposed Amendment, the object of which was to fix responsibility upon the most responsible person?

Amendment agreed to; words inserted accordingly.

SIR GEORGE CAMPBELL said, that so far as he was able to understand the clause, an officer or a soldier who committed an offence might be tried under its operation by a tribunal which was somewhat in the nature of a drum-head court martial, even when the troops were not on active service. That, he thought, was a sort of tribunal which ought not to be set up in a part of Her Majesty's Dominions, which, perhaps, might be in a most quiet and peaceable state.

COLONEL STANLEY said, the object of the clause was to protect the civil population of a country through which

troops happened to be passing in those cases in which, from want of time, or for some other reason, it was found impossible to appeal to the Civil Law. A field general court martial was an extraordinary tribunal, to which it would not be necessary often to have recourse, but which it was extremely desirable there should be the power of convening in certain circumstances.

SIR GEORGE CAMPBELL said, he was quite aware that that was the object of the clause; but, in his opinion, it was so worded as to give it a scope which was unnecessarily wide; and, therefore, he would venture to suggest the insertion at the end of the clause, providing that effect should not be given to it unless the troops were engaged on active service, or that the offence was committed at a place which was too distant from the ordinary tribunals of the country to admit of the offender being brought before them.

THE CHAIRMAN said, that the hon. Member would not be in Order in moving his proposed Amendment now, inasmuch as the Question before the Committee was, that the clause, as amended, stand part of the Bill.

Clause, as amended, agreed to.

Clause 50 (Courts martial in general.)

COLONEL STANLEY moved to insert, in page 24, line 38, at the end of the clause, as a separate paragraph, the following words:—

“The commanding officer of a corps to which a prisoner belongs, or the officer who investigated the charges on which a prisoner is arraigned, shall not, save in the case of a field general court martial, sit on the court martial for the trial of such prisoner, nor shall he act as judge advocate at such court martial.”

SIR ALEXANDER GORDON said, he had an Amendment to propose to the Amendment, which was, to leave out the words “save in the case of a field general court martial.” It was contrary, he said, to all the principles of English military law, as it had existed almost up to the present time, that an officer who convened a court martial, and who had investigated the charges on which a prisoner was arraigned, should be a member of it. In 1854, however, a change was made by which an officer who convened a court martial might sit as a member of it. The law which previously existed was, however,

in his opinion, much more just in principle; and he, therefore, begged to move the omission from the Amendment of the words "save in the case of a field general court martial."

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

Clause 51 (Challenges by prisoner.)

MR. O'CONNOR POWER moved to insert, in page 24, line 40, after the word "object," the words—

"In a general court martial to any three officers, including the president, without reason given; in the case of a district court martial to any two officers, including the president, without reason given; and in the case of a regimental court martial to one officer, who may be the president; and afterwards."

The hon. Gentleman said, a portion of the Amendment had, he believed, been already disposed of, by a decision at which the Committee had arrived in allowing a right of absolute challenge to a prisoner in the case of general courts martial. That decision would not, however, so far as he understood the matter, preclude the Committee from adopting the whole of the Amendment which he now proposed. It might be said that the giving a prisoner a right of absolutely challenging, without reason given, so many members of a tribunal which was composed of so limited a number of persons, might be productive of serious inconvenience; but he should not, if the Committee should be of that opinion, adhere literally to the terms of his Amendment, and he had moved it merely with the view of affording the Committee an opportunity of expressing their views on the matter. The Amendment was, he thought, well worthy of their attention. It should be borne in mind that in the case of a common soldier who was brought before a court martial he was not tried by his peers, and that, in that respect, he laboured under a disadvantage, to which he would not be exposed if he were being tried for a criminal offence before a civil tribunal. In the case of a court martial he was tried by officers, and not by his peers; and that was a point in regard to which it was, he thought, too late to seek to alter the decision to which the Committee had come. It was, however, in his opinion, highly desirable, in order to inspire confidence in courts martial, that a prisoner should

have the right of challenging absolutely one, or two, or three of the members of any particular court martial. The proportion might, he thought, very well be three in the case of a general court martial, which would consist of a maximum number of nine and a minimum of five members. If three were considered too many to empower a prisoner to challenge, the number might be reduced. Then, in the case of a district court martial, which would be composed of a maximum of seven and a minimum of three members, the right of challenge might, if the Committee deemed it necessary, be confined to one member of the court. He felt it to be his duty to press the matter on the attention of the Committee, because it was but just and fair, in his opinion, that some concession should be made to the legitimate claims of the soldier, and that he should not be left so completely at the mercy of those courts, as he would be if the Amendment were not agreed to. It must be quite intelligible to the Committee that a soldier might know very well that an officer was prejudiced against him, although he might not be able to make out such a case against him to his brother officers as would enable them to say whether an objection to his sitting as a member of the court had been properly raised or not. The clause provided that every objection made by a prisoner to any officer should be submitted to the other officers appointed to form the court; and it would all depend upon a prisoner being able to substantiate his objection whether it would be accepted by the court or not. Under those circumstances, the position, he contended, in which the common soldier was placed was one of great disadvantage and of possible hardship; and he hoped the right hon. and gallant Gentleman the Secretary of State for War would seriously give his mind to the subject.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) could not help thinking that the Amendment which had just been moved was a very unreasonable one to seek to introduce into the clause, and the hon. Gentleman who proposed it had, he thought, somewhat overstrained the analogy which he drew between the mode of proceeding in our Civil Courts and that which he wished to establish. The clause, as it stood, provided that objection might be made by a

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prisoner who was about to be tried by a court martial, for any reasonable cause, to the President or any other member of it; but the hon. Gentleman now proposed to give the soldier a peremptory right of challenge, entirely apart from the necessity of alleging any reasonable ground for his objection. That, in his opinion, was a power which it would be very unadvisable to give. It would tend unduly to limit the operation of courts martial. The language of the clause was intelligible enough; but if the wide signification desired by the hon. Member for Mayo were given to it, and if the analogy of the proceedings in Civil Courts were to be acted upon, it would be necessary to go into the question of what was a legal and technical objection, and much unnecessary inconvenience and delay would be the result. He hoped, therefore, the Committee would not accept the Amendment.

MR. BIGGAR did not think the hon. and learned Gentleman had at all succeeded in making out a case against the adoption of the Amendment. It was most important, in the case of a trial for any offence, that all parties should be satisfied that justice would be done; but no such confidence would exist if a prisoner who was brought before a court martial did not possess the right of challenge to a member of the court whom he had reason to believe was not in a position to pronounce an impartial judgment upon his case. It was very well known that in many instances a soldier was perfectly well aware that an officer had some spite against him, and it would be most unfair that such an officer should be placed in the position of one of his judges. Matters were very different in the ordinary Criminal Courts where there were Judges, and the Law Officers of the Crown, who were, of course, much more likely to arrive at an impartial decision than it could be expected the brother could be of a man to whose sitting on a court martial a soldier might very properly object. Besides, a prisoner might not be able to adduce such evidence as would be sufficient to convince the other members of a court martial that a particular officer was prejudiced against him.

COLONEL ALEXANDER pointed out, that the proposal embodied in the Amendment was one which it would be very difficult to carry into effect. It would,

in his opinion, so operate as to cause very serious expense and delay; for it would often happen that when a number of officers had assembled for the purpose of holding a court martial, they would find that they would be unable to proceed with the business before them. Again, one court martial might be ordered to try several prisoners, and one prisoner might challenge two members of the court, and the next prisoner might object to two others, and a third to two more, so that the court would not be able to hold its sittings.

MR. O'CONNOR POWER said, he must admit there was a certain degree of force in some of the objections which had been urged against the Amendment. All that he desired to impress on the Committee was that enforcing a regulation which would deprive a prisoner of the right of challenge without the necessity of giving a reason, they would be placing him in a very unfair position. The hon. and learned Gentleman the Solicitor General seemed to think he had no right to refer to the analogy of the Courts of Law in support of his argument; but why, he should like to know, should it not be competent to him to do so? Courts of Law were Courts of Justice; and it must surely be the object of the Government to establish impartial tribunals under the Bill. The hon. and learned Gentleman had referred to the words "any reasonable cause;" but those words in the clause did not refer to what might be a reasonable cause in the opinion of a prisoner, but in that of the brother officers of the very officers to whom he might have taken objection. It rarely happened that objections of the kind were sustained by those brother officers; and, under the circumstances, some such Amendment as that which he proposed was, he maintained, required. If it were deemed to be too great a power to give a prisoner that he should have the right of challenging three officers on a general court martial, he should be willing to substitute the word "two" for "three," and to limit the right of challenge in the case of district courts martial to one. From the way, he might add, in which the hon. and learned Gentleman the Solicitor General seemed disposed to deal with the case, he saw no course open to him but to take the opinion of the Committee on the question. It would be too bad, he

thought, that such a clause as that under discussion should be agreed to, and that no protest should be recorded against the system of putting a common soldier on his trial without giving him any right of challenge whatsoever. He was quite prepared, however, to withdraw the Amendment as it now stood, and to move it in an altered form.

Amendment, by leave, *withdrawn*.

MR. O'CONNOR POWER then moved, in page 24, line 40, after "object," to insert—

"In a general court martial to any two officers, including the president, without reason given; in the case of a district court martial to any one officer, including the president, without reason given; and afterwards."

Amendment proposed,

In page 24, line 40, after the word "object," to insert the words "in a general court martial to any two officers, including the president, without reason given; in the case of a district court martial to any one officer, including the president, without reason given."—(*Mr. O'Connor Power*.)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 15; Noes 170: Majority 155.—(*Div. List, No. 133.*)

Clause *agreed to*.

Clause 52 (Administration of oaths).

MAJOR NOLAN moved, in page 25, line 42, to leave out "1879," and insert "now in force."

Amendment *agreed to*.

MAJOR NOLAN moved, in page 25, line 42, before "without partiality," to insert "and the custom of war in the like cases," which had reference, he said, to the form of the oath which was to be administered to members of courts martial. He did not attach so much importance to this Amendment as to that to which the Committee had just given their assent; and he would content himself with merely offering it for the consideration of the Secretary of State for War and the Committee.

MR. CAVENDISH BENTINCK pointed out that in the Committee which sat three years ago upstairs a division was taken as to whether the words now proposed in the clause should be retained in the oath, and that they

decided, by a large majority, that it was not desirable to make any alteration in it.

MAJOR NOLAN said, he hoped some better reason against the adoption of the Amendment would be given than that which the Committee had just heard. He attached very little weight to the recommendations of the Committee to which the Judge Advocate General referred, and, in moving his Amendment, he was supporting that which was an old and well-established form.

GENERAL SHUTE quite concurred in the view of the hon. and gallant Gentleman the Member for Galway (Major Nolan), and saw no objection to the old form of oath.

SIR ALEXANDER GORDON said, he, too, much preferred the old form.

COLONEL STANLEY said, that the objection to the oath, as it was formerly framed, was that it was considered to be somewhat vague.

MAJOR NOLAN could not help thinking that it was not a wise or a proper course to adopt to overrule altogether the custom of war. There had of late been constant discussions in that House as to whether our soldiers always behaved with humanity in the Zulu War, and it was not well, in his opinion, to break away from old traditions. It was a great mistake, by giving up the old form of oath, to set aside all the common law of the Army, and to rely entirely upon Statute law. If the words which he proposed were not inserted in the clause, there were a great many men who would think that they were within the four corners of the Bill, and who would act upon that view.

Amendment, by leave, *withdrawn*.

CAPTAIN MILNE-HOME wished to know why the form of oath which was to be administered by the Judge Advocate General or his deputy to the witnesses before a court martial, was not set forth in the Bill? He begged, in page 26, line 14, to leave out the words "the prescribed form," and to insert, instead of them, "the form prescribed in the first Schedule of this Act."

COLONEL STANLEY said, the words "prescribed form" in the clause had reference to rules and regulations which were to be made, and which would be laid before Parliament as soon as was

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practicable. If the hon. and gallant Gentleman would read Clause 69, he would find that power was taken in it to frame rules of procedure in connection with several points relating to trials by courts martial which it was impossible to include in a Bill.

CAPTAIN MILNE-HOME said, that after the explanation of the right hon. and gallant Gentleman, he had no wish to press the Amendment.

SIR GEORGE CAMPBELL wished, before the Amendment was withdrawn, to ask for some further information with respect to the clause. It provided that—

“Every witness before a court martial shall be examined on oath, which the president or other prescribed person shall administer in the prescribed form.”

But suppose a witness happened not to be a Christian, but a member, for instance, of the Jewish or Mahomedan persuasions, to whom it was not usual to administer an oath, how was his evidence to be taken; was he to be examined in accordance with the form prescribed by his religion?

MR. CAVENDISH BENTINCK said, that if the hon. Gentleman would look at the Articles of War, he would find that there were certain forms of oath to be taken by Jews and Christians. The point raised was one which would come within the scope of the Rules which would be laid on the Table.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 53 (Procedure).

SIR ALEXANDER GORDON said, he wished to move to insert, after sub-section 8, the following sub-sections:—

“9. Trials by court martial shall be held between the hours of eight in the morning and four in the afternoon, except in India, where trials may be held between the hours of six in the morning and four in the afternoon. Provided, That if the court considers it necessary they may continue any trial beyond the hour of four in the afternoon, recording in the proceedings the reasons for their so doing. Provided also, That in cases requiring an immediate example, or when the general or other officer commanding any body of troops shall certify under his hand that the same is expedient for the public service, trials may be held at any hour; but in no case shall any court martial sit for a longer period than eight hours in any one day.

10. When a court martial shall recommend a prisoner to mercy, such recommendation shall be attached to and form part of the proceedings

of the court, and shall be promulgated and communicated to the prisoner, together with the finding and sentence.

11. In no case shall any officer sit as president or member of a court martial who has been employed to investigate the matter out of which the charge before the court arose.”

The hon. and gallant Gentleman said, as the Bill stood, no mention was made in it of the recommendation to mercy; and if it were to form no part of the proceedings of the court, a prisoner might know nothing about it. It would be a hardship, he thought, that when the court was disposed to take a lenient view of a man's case, the fact should not be publicly known. He was also of opinion that it was highly desirable to limit, as he proposed, the duration of the sittings of courts martial.

COLONEL STANLEY hoped the hon. and gallant Gentleman would not think that he wished to offer any frivolous objection to his Amendment, when he said that the points with which it dealt, being like so many other matters of procedure, he did not think it would be well to provide for them in the Bill itself. It would be much better, in his opinion, to deal with them by regulation. As to the hours during which a court martial should sit, the Amendment, if carried, might produce consequences which would sometimes be found very inconvenient. He himself recollected a case in which the restriction of the hours of sitting might have caused a good deal of inconvenience, for there was a great deal of work to be got through, and the whole of the officers who composed the court had come from different parts of the country, and some had to attend other courts martial the next day. Analogous cases very often occurred; and therefore he hoped the hon. and gallant Gentleman would not, at all events, press that part of his Amendment. As to the recommendation to mercy, that stood upon rather different ground. He might point out that to recommend a prisoner to mercy was by no means a function of the court, whose duty was to decide upon the guilt or innocence of a prisoner; and it was a sound principle, he thought, that the recommendation to mercy should not be connected with the finding or sentence of a court martial, for it, properly speaking, belonged to the exercise of the Royal Prerogative. It was no part of the duty of the court,

so far as he could see, to promulgate and communicate to a prisoner the fact that he had been recommended to mercy; nor would it be wise, in his view of the matter, to provide that a recommendation should be so promulgated, which it might not, in some cases, be possible to carry into effect.

MAJOR NOLAN said, he would advise the hon. and gallant Member for East Aberdeenshire not to press the first part of the Amendment. The second part, which related to the recommendation to mercy, stood, however, upon a totally different footing. It was only about 18 years ago that the rule was introduced that such a recommendation should not form part of the proceedings of the court, but that it should be forwarded in a separate letter to the Secretary of State for War. The law, therefore, was formerly that which the hon. and gallant Gentleman wished to make it now; and the effect of not making the recommendation part of the proceedings was that courts martial were unable to bring any moral pressure to bear on commanding officers. The question was whether they ought to be enabled to do so, and, in his opinion, they ought. The members of the court had the advantage of having been in contact with the prisoner; of having had the means of forming an opinion of his character; of having seen and heard the witnesses in the case, and had the opportunity of making themselves acquainted with all the circumstances bearing on the prisoner's guilt. Their recommendation, therefore, ought to have great weight; but it would not have nearly so much weight if it were not made part of the proceedings. He might also observe that he was afraid the mere trouble of writing letters often prevented the recommendation of a prisoner to mercy; and, for these reasons, he hoped the hon. and gallant Gentleman would go to a division on that part of his Amendment.

COLONEL COLTHURST said, he thought it was of great importance that the recommendation to mercy should form part of the proceedings of the court, and should be glad to see that part of the Amendment carried.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) pointed out that the recommendation to mercy by a jury formed no part of the proceedings of a Criminal Court. The jury were bound to

return a verdict in accordance with the evidence brought before them, and there their functions ceased. It was quite true, of course, that recommendations to mercy were made by juries, but they never appeared on the record.

SIR JOHN HAY said, he quite concurred in the opinion that a recommendation to mercy by a court martial should appear publicly on the record of its proceedings. Martial law was necessarily stringent and severe; but in cases in which the court thought that mercy ought to be extended to a prisoner, although the law required that sentence of death should be passed on him, the recommendation to mercy ought, he thought, to be made as public as the sentence.

MR. COLE said, the hon. and learned Solicitor General was, no doubt, quite right in saying that the recommendations made by juries formed no part of the proceedings of our Criminal Courts; but, as the Committee were aware, the Judge who presided always took care to inform them that their recommendation would be forwarded to the proper quarter. It, accordingly, was always so forwarded, and was frequently acted upon. It constituted, therefore, in reality, a most important part of the proceedings of a court. He should most cordially support the latter portion of the Amendment.

COLONEL ALEXANDER said, the hon. and gallant Gentleman the Member for Galway (Major Nolan) was quite right in stating that formerly the recommendation to mercy used always to appear as part of the proceedings of a court martial. It was only in 1868 that the alteration of which the hon. and gallant Gentleman spoke was made.

GENERAL SHUTE said, that as matters at present stood, there was a great want of uniformity in the practice in respect to recommendations to mercy. In some cases they were attached to the proceedings, and in some they were not; and he thought it desirable, therefore, that the latter part of the Amendment should be adopted by the Committee.

MR. HOPWOOD said, the consensus of the military Members of the House seemed to be in favour of the change proposed in the latter part of the Amendment, and he hoped it would be agreed to by the Committee. The argument of the hon. and learned Solicitor General,

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drawn from what occurred in the Criminal Courts, was, he thought, based on a false analogy. In the case of those courts, it would be inconvenient that the recommendations of juries should form part of the proceedings, and there was no necessity that they should, for the Judge could, in most instances, deal with the matter then and there. He would, of course, forward, in the case of a capital offence, such a recommendation to the Secretary of State; and his right hon. Friend (Mr. Assheton Cross) would, he was sure, consider it to be a dereliction of duty if he did not pay every attention to it. No Judge would for a moment, he might add, think of keeping from the knowledge of the Secretary of State the fact that a recommendation to mercy had been made by a jury. But courts martial were entirely different tribunals from the ordinary Criminal Courts; and as no inconvenience could result from the adoption of the Amendment, he thought the latter part of it, at all events, ought to be agreed to in common fairness to the soldier.

MR. ASSHETON CROSS said, the clause had reference not only to the punishment of death, but to other punishments; and that in a number of cases the Judges reported to the Secretary of State that, in their opinion, the sentences should be dealt with leniently. Those recommendations, however, were not published; and his hon. and learned Friend was perfectly right in saying that the recommendations to mercy made by juries formed no part of the proceedings of the Criminal Courts.

MR. COLE said, he did not dispute the correctness of that statement, but the real question was, how the practice worked?

SIR ALEXANDER GORDON hoped the Secretary of State for War would agree to the first part of the Amendment, because it was word for word the existing Act. He had put it down because he had found that the right hon. and gallant Gentleman had omitted it from his Bill, and he thought it was a question which it was most important to decide there, and not leave to regulations. If they bore in mind that a private soldier had to stand eight hours over his trial, he thought they ought to make it certain by legislation that no trial by court martial should be held for more than eight hours in a day.

COLONEL STANLEY thought that whether it was put into the Bill or left to the regulations was not of much importance, though there were reasons why he should prefer not to have it in the Bill. The question, however, of recommendation to mercy was not likely to be altered by Act of Parliament. There was this to be said—that a court martial, under the present Bill, was not tied to any particular offence; and, therefore, they were not bound, as they used to be under the old Act, to give a certain punishment for a certain offence. As there appeared to be a general feeling on the part of the Committee in favour of so much of the Amendment as related to the recommendation to mercy, he should assent to it.

SIR GEORGE CAMPBELL said, it was his experience that courts martial were extremely slow moving bodies.

SIR ALEXANDER GORDON offering to withdraw the sub-sections referred to of the Amendment,

THE CHAIRMAN pointed out, that the whole of the Amendment was at present before the Committee, and it would be necessary for the hon. and gallant General to move to amend it by striking out the first part.

SIR ALEXANDER GORDON moved to leave out sub-sections 9 and 11 from the proposed Amendment.

MR. HOPWOOD said, he only wanted to point out, before they parted with the Amendment, that it was urged by the hon. and gallant Gentleman that one reason for his Amendment was that a prisoner had to stand the whole of his trial by a court martial. Now, as a civilian, it did strike him that they might offer the man a seat. Even the greatest criminals in Civil Courts were not treated so. They were not expected to stand until human endurance could stand no longer. He wanted to suggest that, if it were necessary, there should be inserted, even in the regulations, a provision to the effect that the president of a court martial should be directed to allow a prisoner to sit down.

COLONEL STANLEY was sure that no officer need be directed to do anything of the sort.

Amendment of said proposed Amendment *agreed to.*

Amendment, as amended, *agreed to*

Clause, as amended, *agreed to.*

Clause 54 (Confirmation, revision, and approval of sentences).

COLONEL STANLEY said, it would save the time of the Committee if he stated that he proposed, in the absence of the hon. and gallant Member for Renfrewshire (Colonel Mure), to accept the latter part of his Amendment, which was as follows:—

"In no case shall the authority recommend the increase of a sentence, nor shall the court martial on revival of the sentence, either in obedience to the recommendation of an authority or for any other reason, have the power to increase the sentence awarded."

MAJOR O'BEIRNE wished to add the words—

"Nor shall it be lawful for the convening authority to order members of the same court to sit again for other trials of other prisoners, unless it shall be their turn upon the duty roster, or the exigencies of the Service shall demand it."

The reason he had for proposing the Amendment was because it was quite possible for a commanding officer to order a court martial to sit for six months, on the ground that they did not know their duty properly. When he examined His Royal Highness the Commander-in-Chief before the Committee, His Royal Highness said he was not aware that there was any such practice. But he (Major O'Beirne) knew that it was so. He was on a court martial in India, when the officer commanding the regiment ordered himself, the president, and four other members of a court martial—that was five altogether—to sit for six months, and that was in the hot weather. The reason for doing so was that they had not passed sufficiently severe sentences. He considered that such a step was a very improper interference with the oath which members of a court martial took. If his Amendment were accepted, a commanding officer could not possibly order a court martial to sit for six months, unless the exigencies of the Service absolutely required it.

SIR ALEXANDER GORDON thought it would be better to omit from the original Amendment the words "either in obedience to the authority or for any other reason;" because, if they stipulated that the authority should not increase the sentence, it would be rather an anomaly to put in these words.

COLONEL STANLEY agreed with the hon. and gallant Baronet. He did not think it was necessary that the words should be kept in; but, at the same time, he was rather in a difficulty. His hon. and gallant Friend the Member for Renfrewshire put the words in thinking that, perhaps, there might be moral pressure exercised upon the court martial, a supposition in which he did not agree. But having accepted the words, and the hon. and gallant Member being away, he thought that, even if they were surplusage, he should be better discharging his duty by not withdrawing them.

Amendment (*Colonel Stanley*) agreed to.

MAJOR O'BEIRNE then moved the addition of the words which he had suggested previously.

COLONEL STANLEY said, he must confess that he should be rather unwilling to have it taken as a legal point what was the position of an officer on the duty roster. As a matter of fact, he always thought that court martial duties were detailed by the duty roster. He knew that it had been the case that some junior officers, who were supposed not to know their duties, had been taken out of their turn, and put on courts martial; but that was some time ago, and such officers were now attached to courts martial as supernumeraries. He did not think that such cases as that mentioned by the hon. and gallant Member for Leitrim (Major O'Beirne) existed now, or that they had been so general in the Army that it was necessary to take cognizance of them.

COLONEL ALEXANDER thought that a commanding officer would commit a gross violation of the Queen's Regulations by such a course as the hon. and gallant Member for Leitrim had described. It was distinctly required by the regulations that the duty was to be detailed by the roster, from the senior officer downwards. He had never known such an instance as was mentioned; but he recollected what took place at the Committee on the Mutiny Act last year: and he was perfectly astonished when he saw the question which had been put to the Duke of Cambridge, as he had never heard of such a case occurring.

MAJOR O'BEIRNE said, that it was done in India. It was constantly done, because it was very difficult to make an

appeal to authorities in case of any irregularity; besides which, officers at a distant station might find it a very unpleasant thing to prefer a complaint against their commanding officer. He had spoken to several officers on this subject, and they had confirmed his statement.

GENERAL SHUTE said, he had had six years' experience in India, and he had never come across such a case. He agreed that it would be an extreme irregularity. Where officers were found very ignorant of their duties, it was usual for a commanding officer to desire them to attend all courts martial which assembled in the regiment, or in some cases the district, till they proved, on examination, that they had become better acquainted with military law, and thus that they were entitled to be on the roster for court martial duty.

MR. BIGGAR hoped the hon. and gallant Gentleman would carry his Amendment to a division, because it seemed to him that the system was so improper that it was only carried into operation in districts where there was not a good opportunity for protesting against the despotic arrangements of the officer in command, and that was the very reason why specific instructions should be laid down that each officer should only perform his fair turn of duty.

COLONEL KING-HARMAN suggested that the Amendment would not meet the case, because courts martial were always convened for the trial of a soldier or a sergeant, or such other persons as might be brought before them.

Amendment negatived.

SIR ALEXANDER GORDON moved, in page 28, line 28, to leave out from "or," to "Presidency," in line 29, both inclusive. The object of that was that the punishment of death should be approved by the Governor General of India, and not by the Governors of the minor Presidencies. Now that communication was so rapid between the head-quarters of a regiment and the Government of India, he thought there could be no objection in submitting the sentence to the Viceroy for approval. It would be a protection to the prisoners, and, in some cases, a very valuable protection.

COLONEL STANLEY hoped that the hon. and gallant Gentleman would not

insist upon his Amendment. He confessed that he spoke with some little doubt as to the legal effect of the objection which he would make, but he had taken the Act exactly as it stood. The case arose very seldom, and he thought it better to leave the law where it stood.

Amendment negatived.

SIR HENRY JAMES (for Mr. E. JENKINS) moved an Amendment to leave out the words that provided for the confirmation of a sentence by a higher authority only in the case of an officer. The offences dealt with in the subsection were generally treated by military law, subject to reference to a higher authority. The Committee would see that in the case of an officer confirmation was required, and not in the case of a private soldier. He moved, in page 28, sub-section 9, to leave out the words "being an officer," in order that there should be no distinction between the officers and privates.

COLONEL STANLEY did not think there was any objection to leave out the words.

Words omitted.

Clause, as amended, *agreed to.*

Clause 55 (Amendment of charge).

MR. J. BROWN (for Mr. A. H. BROWN) moved, in page 28, after line 41, to insert—

"(1.) The court shall not make any amendment under which the accused, if found guilty of the amended charge, would be subject to a higher penalty than he would be if found guilty of the original charge."

The provision contained in the clause, if acted upon, would lead to much abuse. The officer convening a court had every facility for making the charge accurate and true, and the charges, to be properly framed, should be supported by evidence before they came on. If he referred to the authorities on the subject, he could not find any provision whatever for allowing an amended charge. These authorities showed that an alteration in a charge was something entirely different from the practice which had hitherto existed. He contended that the very fact that a prisoner was not found guilty of what he was charged with was a good reason for his acquittal; and he thought that no court martial should proceed to a

trial unless they had satisfied themselves of their competency to deal with the charge. For those reasons, he thought the Amendment of the hon. Member for Wenlock was worthy of the consideration of the Secretary of State for War. He thought that some such words as those of the Amendment were absolutely necessary; otherwise, a prisoner might be found guilty on a different charge from that with which he was originally charged. In Clause 56 they would find that a soldier charged with embezzlement might be found guilty of stealing or fraudulent misappropriation of property. Surely one of those offences must be greater than the other. It also was provided that a soldier charged with desertion might be found guilty of an attempt to desert, or of being absent without leave. In their own words, they evidently allowed a prisoner to be charged with one offence and found guilty of another; and, as one must be greater than another, he contended that, unless the Amendment was adopted, a charge might be amended and a man found guilty of a greater offence than that with which he was originally charged. His chief argument was this—that in the Criminal Code (Indictable Offences) Bill such a thing was allowed to be done. It was presided over by a learned Judge. But the Army Discipline and Regulation Bill would have to be administered by, he would not say ignorant officers, but certainly officers ignorant of law; and to put any such power as that in the hands of the president of a court martial would be imposing upon him a duty very disagreeable to exercise, and one he should not like to have to exercise himself. He observed that it was provided in the Criminal Code (Indictable Offences) Bill—Clause 488—that an amended form of charge would be allowed; but they had also provided for an appeal against the amended charge. In the Army Discipline and Regulation Bill there was no such appeal. By the Criminal Code a prisoner would be protected in every possible way; whereas by the Army Discipline and Regulation Bill he was left in the hands of officers ignorant of law.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) hoped the hon. Member would see that it was not quite proper to put in the words of the proposed Amendment. Even if they were

added, he thought the prisoner might, on conviction, be liable to greater punishment. The clause was, of course, intended to give power to the tribunal to put the charge in proper form. He trusted the Amendment would not be pressed.

SIR HENRY JAMES thought that the Secretary of State for War should further consider the great power conferred by the clause, with a view to its being restricted.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) said, the matter should receive further consideration.

Amendment, by leave, withdrawn.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) proposed to add the words “or render him liable on conviction to greater punishment.”

Amendment agreed to.

SIR ALEXANDER GORDON had an Amendment on the Paper to omit this clause altogether; and he believed he could show that it was, as far as the prisoner was concerned, a very unjust one. The marginal note set opposite this clause would lead anyone to imagine that the clause itself was confirmed by the 14 & 15 *Vict.* c. 100; but if hon. Members would refer they would find that by no means to be the case. The Act of Parliament referred to allowed alterations to be made in the charges preferred in Civil Courts, when there was a slight difference between the name of any county, division, city, or borough, or in the name of any place mentioned or described in the indictment, or any alteration in the name, or error in the name or description of the person or persons, or if the Christian or surname of the person or persons was wrongly described they might be altered, or if there was an error in the name or description of any matter or thing. The Act was restricted entirely to the trivial errors mentioned, and it rested with the Judge to alter the charge; but there was no provision whatever for allowing any alteration with regard to the matter of the charge. On the contrary, it was carefully excluded from the Act cited; but the Committee were here asked to agree that the charge itself should be altered when the evidence was insufficient, and the charge was inaccurately described. Nothing could be more unjust than to put a

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man on his trial for an offence, and when he had made all his arrangements and had got together his witnesses to prove his innocence, turn round and change the charges brought against him. Again, when it was considered that the persons who were to make this change were not lawyers, and had no knowledge of the Law of Evidence, it would appear a still more unjust step to take with regard to the prisoner. He hoped the Committee would reject the clause altogether.

COLONEL ALEXANDER supported the Amendment of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), on the ground that the clause was a premium on the incapacity and incompetence of the commanding officer. The clause said that—

“When the court martial are of opinion that there is any defect in the charge, or that there is a variance between the charge and the evidence offered in proof thereof, and that such defect or variance is not material to the merits of the case, they may amend the charge.”

Why should there be any variance between the evidence and the charge preferred? It was the duty of the officer to see that the charge was not at variance with the evidence. When the commanding officer had investigated all the facts of the case, he sent the result of his investigation, with the depositions of witnesses, to the general officer, by whom they were reviewed, and then sent back to the court martial. If, after all this, the charge should be altered on the ground that it was at variance with the evidence, it would be the grossest injustice to the prisoner. Further, the court martial not consisting of trained lawyers it was totally incompetent to make this change; and he, therefore, hoped the hon. and gallant Gentleman would go to a Division on the Amendment.

MAJOR NOLAN said, that the alteration of charges would lead to great difficulty.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) thought that there was some misapprehension as to the intention of the clause. It would be extremely improper that there should be any alteration in the charge; and he suggested that the right hon. and gallant Gentleman the Secretary of State for War should allow the clause to be amended, if by the introduction of such Amendment its meaning could be rendered clearer.

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SIR HENRY JAMES said, that the clause provided that the alteration might take place at any time before the finding of the court, so that after every witness had been called, and after the accused had given his defence to a charge, of which the court might find him perfectly innocent, the court might say he was guilty of another offence; while the power of the accused was simply that he might re-call and cross-examine any witnesses, as if such witnesses were then called for the first time to give evidence on the trial, and call any other witnesses. He thought the intention of the draftsman was to give the court power to frame a different charge. The hon. and learned Solicitor General would, he thought, agree that under the clause in its present form a man accused of embezzlement might be found guilty of felony on a distinct and separate charge. It was impossible for the Committee to bear the responsibility of passing the clause in its present form, which gave a power far greater than existed in any Civil Court. A court martial was the last body to whom it was desirable to give such great power, inasmuch as it consisted of untrained Judges. He suggested that the right hon. and gallant Gentleman should allow the clause to be struck out, with a view to remedy any technical defects which it contained.

COLONEL STANLEY admitted that the criticisms of the hon. and learned Member for Taunton (Sir Henry James) were of great force, and suggested that the clause should be negatived *pro forma*, so that it might be altered in accordance with the views of the Committee.

Clause omitted.

Clause 56 (Conviction of less offence permissible on charge of the greater).

MR. HOPWOOD, thinking that some considerable discussion of this clause would be necessary, and in view of the lateness of the hour, begged to move that Progress be reported.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—*(Mr. Hopwood.)*

SIR HENRY JAMES thought the clause might be proceeded with.

COLONEL STANLEY said, the clauses relating to the execution of the sentence

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did not involve any matter on which serious discussion could arise.

MR. HOPWOOD, not wishing to go against the feeling of the Committee, asked leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

SIR ALEXANDER GORDON moved, in page 29, line 16, to leave out the words "attempting to desert, or of." He pointed out to the Committee that the attempt to desert was made a crime only two years ago by the House of Commons, without a single word having been said on the subject. What occurred was as follows:—The Mutiny Bill was down for second reading, and the late Secretary of State for War was asked by the hon. Member for Newcastle (Mr. J. Cowen) whether the Bill was going to be read a second time? The Secretary of State for War replied in the affirmative, and the hon. Member for Newcastle objected. The Secretary of State for War said that the only changes in the Bill were those of detail, and the House accepted that statement; but it turned out afterwards that the words "attempting to desert" had been inserted. The crime was, therefore, entirely new, and one which it was most difficult to prove, inasmuch as it was impossible to tell whether a man intended to desert or not, a fact which could only be ascertained when the man had deserted. The First Lord of the Admiralty would bear him out in saying that in the Navy the crime of "attempting to desert" was unknown. The sailor must be convicted of desertion or of absence without leave, but could not be tried for attempting to desert. How was it possible to prove the intention to desert? If a man were apprehended before desertion was completed he could not be tried for desertion, but only for absenting himself without leave. Attempting to desert was not a crime for which a man ought to suffer death, to which on active service he would be liable. The House of Commons never intended this; and he, therefore, hoped the Committee would agree to the Motion which he now begged to move, that the words "attempting to desert or of" be struck out of the clause.

COLONEL STANLEY thought it would be very unwise to leave out the words "attempting to desert." The hon. and gallant Member had asked whether it

was possible to prove that a man intended to desert before he had carried out his intention? One of many cases in point which occurred to him (Colonel Stanley) was that of a man who might go into barracks and get together all his clothes and then transfer them to a private house. The intention to desert would be clearly shown in such a case.

Amendment *negatived*.

MR. HOPWOOD was at a loss to understand the meaning of the last paragraph of the clause, which seemed to him to resolve itself under the discussion which had already taken place upon Clause 55. It ran thus—

"A prisoner charged before a court martial with any other offence under this Act may, on failure of proof of an offence being committed under circumstances involving a higher degree of punishment, be found guilty of the same offence as being committed under circumstances involving a less degree of punishment."

He did not find any objection to that, but was quite unable to understand the meaning of what followed—

"And also may, on failure of proof of the full offence, be found guilty of another offence of the same class not involving a greater degree of punishment."

He presumed the class of offence was to be measured by the punishment put against it in this Act; but the clause spoke of "another offence," and was altogether so vague, that he moved to leave out the words from the beginning of line 20 to the end of the clause.

COLONEL STANLEY said, the intention of the section was to give the accused the benefit of any extenuating circumstances which might reduce the gravity of his offence. For instance, disobedience in the military sense of the word implied positive refusal to obey a given order; but it was quite possible that there might be extenuating circumstances tending to show that a man charged with this offence had only neglected to obey the order. In that case, he apprehended that the man would deserve punishment for an offence of the same class as that charged against him in the first instance.

SIR HENRY JAMES said, that was, no doubt, the case; but, assuming that there was a failure of proof of the full offence, the accused might be found guilty by the terms of the clause of "another offence" which was exactly

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what the Committee had just decided should not take place. He understood the general terms, but not their legal bearing, and therefore trusted that the Solicitor General would give some further explanation of the legal meaning of the words of "another offence of the same class."

COLONEL STANLEY thought that, after the discussion which had taken place, it would be much safer to strike out the last three lines of the clause. He thought there might be many reasons for finding a prisoner guilty of the same offence committed under circumstances involving a less degree of punishment; but it might, perhaps, lead to a loose interpretation, and, therefore, he proposed to strike out, after "punishment," the words—

"And also may, on failure of proof of the full offence, be found guilty of another offence of the same class not involving a greater degree of punishment."

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

MR. HOPWOOD moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Hopwood.*)

COLONEL STANLEY hoped the Motion would not be pressed. Although the Committee had now been engaged upon the Bill for a considerable time, yet they were proceeding with a part of it to which there were comparatively few Amendments, and most of those were unopposed. He thought, therefore, the Committee might still make very good progress without coming to any point which would excite opposition. He turned over four or five pages of the Bill, and found literally only one small Amendment. When they came to any matter likely to lead to serious discussion, as involving a question of principle, he should not object to report Progress.

MR. HOPWOOD said, his hon. and gallant Friend the Member for East Aberdeenshire (Sir Alexander Gordon) had left the House under the impression that Progress would be reported after Clause 56 had been disposed of. His hon. and gallant Friend had appealed

to him whether that was not so, and he had told him that he thought that was the understanding.

SIR HENRY JAMES hoped the Committee might be allowed to proceed.

Motion, by leave, *withdrawn.*

EXECUTION OF SENTENCE.

Clause 57 (Commutation and remission of sentences) *agreed to.*

Clause 58 (Effect of sentence of penal servitude) *agreed to.*

Clause 59 (Execution of sentences of penal servitude passed in the United Kingdom).

MR. HOPWOOD said, he observed that the hon. and gallant Member for East Aberdeenshire had an Amendment on the Paper to this clause, and he must, therefore, renew his Motion to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Hopwood.*)

COLONEL STANLEY must again express a hope that the Committee would proceed. The Amendment of the hon. and gallant Member for East Aberdeenshire was not one he could consent to. It was to leave out one of the officers, the Adjutant General, who might have received directions to act as one of the committing authorities. He acted as a committing authority for certain purposes under this Act, and he did so in discharge of his duty. This would not produce the slightest effect upon any prisoner. He was merely the committing authority, just as a magistrate, or anyone else, was. He could not consent to leave out the words "Adjutant General," and he hoped the Motion would not be pressed.

MR. HOPWOOD should be very glad to accede to the appeal of the right hon. and gallant Gentleman the Secretary of State for War, if the hon. and gallant Member for East Aberdeenshire had not gone away under the impression that he had stated.

COLONEL STANLEY must appeal once more to the Committee. He had had the honour of a seat in that House for some years, and he had yet to learn that they were to subordinate the whole of their proceedings and the time of the

Committee to any one particular hon. Member. If he had given the understanding which had been referred to, or had even indirectly assented to it, he, of course, should have been willing to carry it out; but he gave none, and, really, upon two trivial Amendments to leave the Adjutant General's name out of the clause, he thought it was a little hard upon the Committee—he did not say upon the Government—to stop the progress of the Bill.

MR. HOPWOOD remarked, that his allegation was that his hon. and gallant Friend believed that the Government had assented to Progress being reported after Clause 56, and had left the House under that impression. ["No, no!"] Hon. Members would excuse him; but this was not to be answered by clamour. He understood the hon. and learned Member for Taunton (Sir Henry James) to suggest that course, and the right hon. and gallant Gentleman to assent. ["No, no!"] He did not say that the right hon. and gallant Gentleman did. It was quite enough for him (Mr. Hopwood) that the right hon. and gallant Gentleman said he did not. He was, however, under that impression. But he also took his stand upon the merits, and he thought that, considering the hour at which the Committee had arrived, it was impossible that they could any longer give their undivided attention to this important Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he certainly did not understand that even what fell from the hon. and learned Member for Taunton (Sir Henry James) implied that they were to stop at the end of Clause 56. What he understood that hon. and learned Member to say was that they should at least finish Clause 56, because it was supposed to be connected with what had preceded it. No intimation was given on the part of the Government that they did not intend to ask the Committee to proceed further. He quite admitted that, at that time of the night, it would not be reasonable to go into any matter of difficulty that would lead to great contention; but that they should be stopped because one single hon. Member had left the House appeared to him to be wholly unreasonable, and, considering the great length of time that had already been spent over the Bill, and what still remained to be accomplished,

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he thought the Committee would be altogether wrong if they were, for such a reason, to decline to make a little more progress with the measure. He hoped the feeling of the Committee would be that they ought to proceed.

SIR HENRY JAMES said, he expressed no opinion whether they should go beyond Clause 56. He observed that the hon. and gallant Member for East Aberdeenshire had several Amendments on Clause 67. They referred only to two words, "Adjutant General," the object being to strike out all reference to that officer, and if the right hon. and gallant Gentleman would consent to pass over that clause, they might get rid of a great many clauses upon which there was no contention. When they reached Clause 69, they came to rather heavier ground, and it would then be desirable to report Progress.

COLONEL STANLEY thought the best course would be that the hon. and gallant Member should have an opportunity of challenging the opinion of the Committee on the Report.

Motion negatived.

Clause agreed to.

Clause 60 (Execution of sentences of penal servitude passed in India or a Colony) *agreed to.*

Clause 61 (Execution of sentences of penal servitude passed in a foreign country) *agreed to.*

Clause 62 (General provisions applicable to penal servitude) *agreed to.*

Clause 63 (Execution of sentences of imprisonment) *agreed to.*

Clause 64 (Supplemental provisions as to sentences of imprisonment passed in the United Kingdom) *agreed to.*

Clause 65 (Supplemental provisions as to sentences of imprisonment passed in India or a Colony) *agreed to.*

Clause 66 (Supplemental provisions as to sentences of imprisonment passed in a foreign country) *agreed to.*

Clause 67 (Removal of prisoners to place where corps is serving) *agreed to.*

Clause 68 (Commencement of term of penal servitude or imprisonment) *agreed to.*

MISCELLANEOUS.

Rules of Procedure.

Clause 69 (Power of Her Majesty to make rules of procedure).

COLONEL STANLEY thought it quite fair that he should here move to report Progress, as the clause contained matter that might lead to some discussion.

Motion agreed to.

House resumed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

PUBLIC LOANS [REMISSION].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the remission of certain Loans formerly made by the Exchequer Loan Commissioners, and the Public Works Loan Commissioners, and by the Irish Exchequer Loan Commissioners, and the Commissioners of Public Works in Ireland, out of the Consolidated Fund of the United Kingdom, or out of moneys formerly raised by the authority of Parliament for the purpose of such Loans.

Resolution to be reported *To-morrow*, at Two of the clock.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, 24th June, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Cruelty to Animals * (125); Salmon Fishery Law Amendment (No. 2) * (126); Sale of Food and Drugs Act (1875) Amendment * (127); Wormwood Scrubs Regulation * (128).

Second Reading—Companies Acts Amendment (71).

Committee—Report—Metropolitan Public Carriage Act Amendment * (105).

Report—Children's Dangerous Performances * (122).

Third Reading—Supply of Drink on Credit * (84); Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment * (115); Inclosure Provisional Order (Matterdale Common) * (107); Inclosure Provisional Order (Redmoor and Golberdon Commons) * (109); Inclosure Provisional Order (East Stainmore Common) * (108); Local Government (Highways) Provisional Orders (Gloucester and Hereford) * (112); Local Government (Highways) Provisional Orders (Dorset, &c.) * (111); Local Government Provisional Orders (Castleton by Rochdale, &c.) * (114); Local Government (Ireland) Provisional Orders (Kilbarney, &c.) * (110); Local Government Provisional Orders (Axminster Union, &c.) * (94); Local Government Provisional Orders (Abergavenny Union, &c.) * (103), and *passed*.

ORDERS OF THE DAY—NOTICE OF MOTION—THE STATE OF IRELAND.

EXPLANATION.

LORD ORANMORE AND BROWNE wished to explain why he did not at the previous Sitting bring forward the Motion which stood on the Paper in his name for that evening, with reference to the disturbed state of parts of Ireland. It was about a quarter past 6 o'clock before he left the House, and at that time there was a subject under discussion. Consequently, according to the time their Lordships usually sat, only an hour or so was left for any discussion on the subject. The reply on the part of the Government would probably have occupied some time, and there would not have been time for independent Members to express their views on the question. It was in these circumstances, and believing that the Motion could not have been adequately discussed, that he did not bring it forward.

THE EARL OF BEACONSFIELD: I am sorry that the noble Lord did not bring forward his Motion yesterday, as there was a considerable attendance of Peers, and the House had a desire to hear the statement he had to make. As to the assumption that there would not have been time after a reply on the part of the Government for any independent Member to address your Lordships, I believe, on the contrary, that an opportunity would certainly have been given to any noble Lord who wished to express an opinion on the subject. I think it is much to be lamented that the noble Lord was not in his place when his opportunity occurred.

WORKMEN'S COMPENSATION BILL.

(*The Earl De La Warr.*)

(NO. 7.) SECOND READING.

ADJOURNED DEBATE.

On Order of the Day for resuming the adjourned debate on the Motion for Second Reading (which stands appointed for this day)—

THE LORD CHANCELLOR appealed to the noble Earl (Earl De La Warr), whether he would not consider the desirability of postponing for some time the second reading of this Bill,

which stood among the Orders for the Day, and of which the noble Earl had charge. It had been introduced into their Lordships' House for the purpose of making an alteration in the law with regard to compensation for injuries sustained by workmen in the service of their employers. The subject was one which had already received much attention. It had been inquired into by one or more Committees and Commissions, and the Government undertook to bring in a measure dealing with it. That promise they fulfilled by introducing a Bill into the other House, by which it was proposed, to some extent, to alter the present law. In the other House there was also a Bill identical with that of the noble Earl, and both measures stood for second reading. The Government were anxious to proceed with the consideration of their Bill at the earliest possible period; but the state of Business in the other House of Parliament, and the little time left for proceeding with fresh measures there, had to be taken into account. Meantime, it would not be possible for their Lordships satisfactorily to discuss the merits of the noble Earl's Bill without having side by side with it the measure of the Government.

THE EARL OF BELMORE who had been, together with the noble Earl who had charge of the Bill, a Member of the Royal Commission on Railway Accidents, and signed its Report, upon which this Bill was based, joined in the appeal of the noble and learned Earl, and recommended his noble Friend to leave the matter in the hands of the Government.

LORD NORTON thought the subject was ripe for legislation, and saw no reason why the Bill should not be proceeded with. Between the several Bills there were only differences of degree, so that all would consent to what they could get, if the Government would drop their Bill in the other House, and introduce it here to save time.

EARL DE LA WARR, while anxious that his Bill should be brought before their Lordships this Session, said he appreciated the grounds on which the noble and learned Earl had appealed to him on the subject, and asked leave to postpone the second reading.

The debate already been turned *put off* to what still remains *of July* next.

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PUBLIC HEALTH ACT (1875) AMENDMENT (INTERMENTS) BILL.

(*The Earl Stanhope.*)

(NO. 123.) SECOND READING.

On Order of the Day for the Second Reading (which stands appointed for this day)—

EARL GRANVILLE asked the noble Earl who had charge of this Bill (Earl Stanhope) to postpone the second reading. The Bill made an important alteration in the Law of Burial, and was only read a first time on Friday last.

EARL STANHOPE said, that the Bill passed through the House of Commons without a Division on its merits; but he had no objection to accede to the request of the noble Earl, and postpone the Bill for one week.

Second Reading *put off* to Tuesday next.

COMPANIES ACTS AMENDMENT BILL.

(*The Lord Aberdare.*)

(NO. 71.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD ABERDARE, in moving that the Bill, which had come up from the Commons, should be now read a second time, explained that its object was to enable Companies to apply accumulated funds from undivided profits to the reduction of the paid-up capital. Companies sometimes found that, in consequence of a restriction of their business, a diminution of their capital was desirable, and could be made without injury to creditors, if the Companies had legal power to make it. The distribution of a surplus in the form of a bonus led to speculation. The Bill had been examined by the Law Officers of the Crown and had received the assent of the Board of Trade; but he felt that it required amendment, and he was prepared to move certain Amendments in Committee. All he asked at present was the confirmation of its principle.

Moved, "That the Bill be now read 2."

—(*The Lord Aberdare.*)

THE LORD CHANCELLOR said, that in the abstract he saw no objection to the principle of this Bill; but he was somewhat surprised to find that in the Bill that principle was unaccompanied by any conditions or safeguards. There

ought to be a provision for the making of returns to some public officer, and also one to apply to the case of persons holding shares as trustees in Companies.

LORD SELBORNE concurred with his noble and learned Friend on the Woolsack as to the necessity for a provision relating to trustees. When shares were fully paid up everything was safe for trustees holding such shares; but after the change proposed in this Bill trustees might be saddled with a liability to which they were not now exposed. Nothing would induce him, even for the nearest relative, to be trustee of shares carrying liability.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) did not see any great advantage in the Bill. He did not think it would be workable.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

SMALL-POX—PRISONS (IRELAND).

QUESTION.

THE EARL OF BELMORE asked Her Majesty's Government, Whether their attention has been drawn to the circumstances attending an inquest held on the 14th instant on the body of a prisoner named Joseph Penrose, who died on the 12th instant in Richmond Bridewell of small-pox; and if they are prepared to take steps to obviate in future the risk attending inquests upon persons who may have died in prison in Ireland of infectious diseases? The matter was of some importance, though it might seem a small one. It appeared that a person named Joseph Penrose had been committed to the Richmond Bridewell, Dublin, for some offence—the character of which he did not know—and subsequently small-pox developed itself in the man, and he died. According to a clause in a recent statute inserted, he presumed, in the interest of what are called in Ireland "political prisoners," if a prisoner died in gaol, an inquest must be held upon the body; formerly, he believed, all that was necessary was that the Coroner should certify as to the cause of death. On this occasion a jury was empannelled, and they very naturally objected to view the body; the Coroner, however, told them they were compelled to do so by law. He entirely sympathized with the jury in their refusal; had

he formed one of the jury, he should himself have objected. The taking persons from outside the prison to sit as jurors on prisoners who had died of small-pox was dangerous not only to the jurors themselves, but to the community in which they lived. It appeared also that, besides being daily visited by the Governor of the gaol and the turnkeys, which was perhaps unavoidable, the prisoner had been attended in his illness by three other prisoners. He had been told, on very good authority, that only the other day, in the case of an inquest on a man who had died in prison in the North of Ireland, that the Coroner empannelled half-a-dozen of the prisoners in the gaol on the jury, and they improved the occasion by appending to their finding as to the cause of death a resolution condemning the Government dietary in Ireland as being unfit for prisoners, though it was exactly the same as that used in England. Considering the prevalence of small-pox in Dublin of late, he thought this was a matter not unworthy of notice, and one had excited interest in Dublin which, with some other towns in Ireland, was affected by this loathsome and dangerous disease.

THE DUKE OF RICHMOND AND GORDON said, that what his noble Friend had stated was correct. A change in the law on the subject of his noble Friend's Question was made by the Bill passed in 1877. During the passing of that Bill through the House of Commons great stress was laid on the necessity of having an inquest held on every person who died while a prisoner in any of the prisons. The result was that, by 40 & 41 *Vict. c. 49*, an inquest in such case was necessary. He was not aware of the circumstances of the particular case to which his noble Friend referred beyond that the man died of small-pox. He would make inquiry into it. He believed there was no doubt that the prisoner died of small-pox; but even in that state of circumstances, so long as that clause remained, the jury must view the body.

THE EARL OF BELMORE observed, that the jury added a rider to their verdict to the effect that prisoners suspected of small-pox should be removed to a small-pox hospital.

THE DUKE OF RICHMOND AND GORDON said, the removal of a prisoner,

under such circumstances, would make the hospital a prison, and he could not be placed there without subjecting him to the same regulations as he would be in a prison; and if he died there, the law would still have to be carried out.

ENDOWED SCHOOLS ACTS.

MOTION FOR RETURNS.

EARL FORTESCUE*: My Lords, I must once more ask your indulgence for a few remarks in moving for the Returns on the Notice Paper. I have, for the last two or three years, moved for similar Returns, hoping against hope that the Government might be persuaded to propose, and Parliament to sanction, the admission of the most emphatic and prominent recommendation of the Schools Inquiry Committee into the legislation which purported to be based upon their Report, and to embody their recommendations. I refer to the establishment of Provincial authorities for preparing and carrying out, under the supervision of the central authority, schemes for reorganizing, systematically, in large districts, endowed schools of various grades throughout the country. This recommendation, on which, in the words of Lord Lyttelton and his Colleagues, the system proposed in the Schools Inquiry Report was mainly founded, came, with all the weight attaching to a singularly able and influential Commission, as the result of their most laborious and exhaustive inquiry. Perhaps, in these days, when all the resources of the country are under strain, when England is suffering simultaneously from agricultural, commercial, and manufacturing depression, remonstrances against the wasteful misapplication of vast educational endowments may be listened to more readily than I have found they were in more prosperous times. In moving for the same Returns, I regret that they must now, when granted, show, I fear, that three-fourths of the rich inheritance of endowments, of the value of some £20,000,000 sterling, have been disposed of by the Commissioners in their schemes, without the advantage of that Provincial consultation and local co-operation which the Schools Inquiry Report described as indispensable to the satisfactory accomplishment of this great national work. I am quite prepared to admit that the Charity Commissioners,

having to depend solely on Assistant Commissioners, without any intermediate and independent Provincial authorities, have honestly done their best, in their separate and isolated schemes, to turn the individual endowments to good account. But this was not the problem before the country. The evidence from all parts conclusively showed that, though the endowments were numerous and valuable, yet that the feeling or fancy of individual benefactors had, from the first, scattered them so unequally, and that in the lapse of time their values had altered so capriciously, that no mere revival of their activity—always desultory, and, latterly, often obsolete—would correspond either to the wishes of the dead founders, or to the wants of the present and future generations. This state of things naturally led the Inquiry Commissioners to the conclusion pressed upon them by witnesses of the highest authority—that dealing with the schools in groups was an absolute necessity, and, further, that having local Provincial boards to deal with them was a corresponding necessity. Meanwhile, since the Report of that Committee, the whole educational question, as affecting all classes from the highest to the lowest, has assumed an entirely new aspect. I will not now stop to examine the process by which the wage class, with the addition of a constantly growing proportion of the class next above them, have been encouraged to expect unstinted instruction to be provided for their children, at a nominal cost to themselves, as parents, and a correspondingly heavy one to the ratepayer and the taxpayer. Nor will I pause now to inquire as to the probable influence of such a novel prospect upon the character and fortunes of our peculiar country and people. But, if the result should be inevitable, and the elementary schools of England are permanently to be sustained out of public resources, while selfishly deprecating this new burden upon my property, and even more seriously deprecating the debased, because pauperized, tone of education which my own and other employers' labourers' children must, I fear, receive under the threatened fuller development of such a system, yet I would earnestly protest in this House, as I have in my own neighbourhood, against a reduction of the rates upon my land,

The Duke of Richmond and Gordon

or the taxes on my means, by the misapplication of these endowments towards elementary schools. While wage-earning parents and their charitable friends were bearing the whole burden of their children's schooling, there was a reasonable claim, not only on benefactions destined *ad hoc* by those donors, but even on those whose redistribution had, through altered times and circumstances, reverted to the disposal of public authorities. But as this burden is now being shifted on to the ratepayer and the taxpayer, it is impossible to employ, with anything like equity, these diverse and capriciously located endowments for the relief of the general property of the country. I regret, therefore, to see, by the last Report of the Charity Commissioners, that out of 481 schemes for regulating schools under the Endowed Schools Act, no less than 203 have been for the benefit of elementary schools. The true application of these endowments should be in sustaining and elevating that education which is above the elementary—that intermediate education into which Lord Taunton's Commission so laboriously inquired, on which it so fully reported, and with regard to which its recommendations were so clear, so emphatic, so statesmanlike, and, alas! so unheeded by the late and the present Government. And when I speak of intermediate education, I look to its important bearing, not only on the middle class, properly so called, but on the most promising and deserving of the class below. While, therefore, I have been sorry to see in that Report that out of 481 of these schools' schemes no less than 203 were elementary, I am still more sorry to see that of the remaining 278 not more than 114 were 3rd grade, exactly the same number are of 2nd grade, the remaining 50 being 1st grade. Now, the Schools Inquiry states emphatically that the great want in England is good 3rd grade schools, that their numbers are deficient, and that the general condition of the existing ones is most unsatisfactory; and that the want is one which private enterprise cannot, as it could in the 1st and 2nd grades, be at all relied upon to supply; for this obvious reason—that as soon as the 3rd grade schoolmaster has acquired a reputation for the excellence of his school, he is at once induced to raise his terms, and thus convert his 3rd grade

into a 2nd grade school. Pressed by the want of 3rd grade schools, the needful assistance for the establishment of which had thus been directed to schools far less requiring such aid, the ratepayers are beginning, in their despair, to demand, a State-and-rate-aided 3rd grade education for their children at elementary schools. And in this they are encouraged by the whole body of bureaucratic educational enthusiasts in Downing Street and elsewhere. I cited last year the case of Bradford, where a grammar school exists; but it is so instructive that perhaps I may be allowed to read the report of what took place in the House of Commons on this subject last Session.

"Mr. WHEELHOUSE asked the Vice President of the Council, Whether the following statement, issued by the School Board of Bradford, Yorkshire, be the legitimate object of any School Board formed under the Elementary Education Acts, seeing that each school is supported by rates:— 'The design of the Board is to provide in both these schools a superior elementary education; to realize this object the course will be more enlarged than that of the ordinary elementary schools, and the instruction will be carried further by special teaching than has been found practicable in such schools;' whether or not it be with the knowledge and sanction of the Educational Department of the Privy Council that ratepayers under the Elementary Education Acts should be called upon, compulsorily, to pay for pupils who, under the Board School system, are taught the subjects named under the 'second' head of the following curriculum:— 'First, the subjects included in the Six Standards of the New Code—viz., reading, recitation, writing, arithmetic, dictation, grammar, composition, geography, history, object lessons, drill, vocal music, and needlework (for girls). Second, drawing, English literature, social economy, and the specific subjects of the New Code—viz., Latin, French, mathematics—algebra and euclid, physical geography, mechanics, animal physiology, domestic economy (for girls). Chemistry, botany, and other sciences may be taken up, without extra charge, in evening classes, under the Science and Art Department;' and, if not, whether steps will be taken by the Council to prevent the provisions of the Elementary Education Acts being so applied?"

"Lord GEORGE HAMILTON: Sir, some time back the Bradford School Board started, as an experiment, an advanced elementary school. This experiment met with much support, so much so that a requisition, largely signed by ratepayers, was sent to the Board, asking them to establish another advanced elementary school. The Board applied to the Education Department for leave to charge in these schools a uniform rate of 9d. under the Elementary Education Act, and the Department consented, having taken adequate steps to protect children in the district whose parents were unable to pay the higher fee. All the subjects proposed to be taught, with the exception of social economy,

are recognized and paid for by the Education Department. I am not, therefore, prepared to admit that the proposal of the Bradford School Board is contrary to the provisions of the Elementary Education Acts."—[3 *Hansard*, cccxxxix. 1371-2.]

The extra cost beyond the parents' pence—and not all of them are to pay even 9d. a-week—the extra cost of all this—I should till lately have said 3rd grade, I must now say advanced elementary education—is divided between the rates and the Treasury. We have many of us seen the recent letter in *The Times* describing how a tradesman with a splendid shop-front in Regent Street, and a villa in the suburbs, sent his children to a Board school; no doubt an advanced elementary school. We know that the last year's cost per head of the children to the London School Board was about £3 10s., and the average payment from parents 6s., leaving £3 4s. to be divided between the rates and the Treasury. No wonder that the annual Estimate for Education should, in a few years, have risen from £500,000 to £2,500,000. Where is it to stop if advanced elementary schools are to be multiplied? Now, rates are levied on real property alone, and the annual income from real property, we learn from the best authorities, does not exceed one-fifth of the total income enjoyed in the country. This is a fresh burden on land wholly imposed on it within less than 10 years, but assuming this new and alarming aspect within the last five years. Pray remember, I am not here protesting against the Elementary Education Act. It may be necessary that, like the pavement of the street, the mere groundwork of education should be provided by money raised from the public; but there must be a point where, as in the case of streets and houses, private obligations with their corresponding privileges begin. Between the public street and private home stands the door. The water and light provided free to the ratepayer outside have to be paid for by the householder within; for such tax-and-rate-paid-conveniences cannot be supplied within gratis without sapping the very foundation of independent citizenship. I am not, therefore, protesting against elementary education properly limited—in a word, against the three R's—being provided more or less at the public cost; remembering only that, for the good of the

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parents, it is desirable that their own contributions towards it should be fully proportioned to their means. But I do earnestly protest against more than the common groundwork being so provided—against a costly superstructure of education, against Latin and French, and algebra and chemistry, and much more besides, being taught at the public expense. We hear much of the dispauperizing influence of education. But I am afraid that, in the case of the children getting, almost wholly at the expense of their fellow-citizens, an education which their parents could well pay, and a few years ago would certainly have paid for them, the practical lesson of dependence on State-and-rate aid will far more than counteract any lessons on the blessings of independence inculcated in the course of their studies. And the worst is, that as the children will be, so the parents are now being, demoralized and enervated by this system. Educational aids from benefactions of pious founders do not seem to produce at all the same effect as the experience of the working of our great schools and Universities for centuries seem to prove. Scholarships for the deserving could be amply supplied out of the £20,000,000 of educational endowments already mentioned. But these £20,000,000 might do much more than provide the means of rising for the meritorious poor scholar; they might sustain and assist schools of various grades for both sexes, by which the families of all other classes except the highest—who have long benefited, but not exclusively, by the public school and University endowments—might be helped to hold their own in the increasing struggles of an age of increasing intellectual competition. For that purpose, I more than ever believe in the importance of intermediate local authorities to co-operate with the central authority in the great national work of intermediate education. And I have observed with pain the omission of all allusion to any such duties in the various abortive measures for county government brought in by the present Administration. In conclusion, I may be allowed to say that in protesting both against what I consider the mischievous transgression beyond the professed, and, in my opinion, proper, limits of the Elementary Education Act, and against the persistent neglect of the most impor-

tant of the recommendations announced to be the basis of the Endowed Schools Act—a neglect leading to extensive misapplication, though not abuse, of endowments—I feel I am only acting consistently with that earnest desire for the promotion of education among all classes of my countrymen, under the influence of which I have strenuously laboured ever since I came to man's estate.

Moved that there be laid before the House—

Return made out, county by county, in continuation of Return respecting the Endowed Schools Acts, Paper No. (5.), ordered to be printed on the 13th of February last, with in each case a proximate estimate of the annual endowments of (1) The number of Schemes finally approved and in force in England and Wales under the Endowed Schools Acts of 1869, 1873, and 1874; (2) The number of Schemes published by the Charity Commissioners under those Acts, but not yet finally approved; (3) The Endowed Schools not returned in (1) and (2) nor included in sect. 3 of the Endowed Schools Act, 1873, which are within the general provisions of the Endowed Schools Acts; (4) The aggregate number and income of Endowed Schools included in sect. 3. of the Endowed Schools Act, 1873: Also

Return, as regards (1), of the grade, determined as in Paper (5.), 1879, of each school under the Scheme in force, as well as the total number and grades of such schools.—(*The Earl Fortescue.*)

THE DUKE OF RICHMOND AND GORDON said, he was not prepared for a speech from the noble Earl upon a Motion for a Return to which there was no opposition, and which Return was in continuation of former Returns on the same subject. However, the noble Earl moved annually for these Returns, and annually made a speech upon the subject, and it was his (the Duke of Richmond and Gordon's) duty to make a reply. The noble Earl complained of the action of the Charity Commissioners. For himself (the Duke of Richmond and Gordon), it was his duty to say that he was perfectly satisfied with the manner in which those gentlemen had carried out the duties of their Office. The noble Earl said that he would not touch upon the operation of the Education Act of 1870; but the last part of the noble Earl's speech was against the manner in which the Commissioners had carried out the provisions of that Act. But what the Commissioners had done was legally done. The noble Earl stated that the Charity Commissioners

had dealt with elementary education, and made grants towards it under certain schemes. But the money they had appropriated to such schemes was money expressly left for that purpose. But he preferred to rest the conduct of the Commissioners, not upon his own approbation, but upon the approbation of the country, and upon the approbation of those persons who were most nearly and closely interested and connected with the operation of their schemes. Out of the 75 schemes which were produced last year by the Commissioners, only seven were opposed in Parliament. Upon only one of those seven was there a division taken; and that scheme, as proposed by the Commissioners, was carried by a large majority. Their work was best judged by the results. There would be no objection to the Returns; and, in conclusion, he was glad to state that the Charity Commissioners had shown great diligence and energy, and had in the most proper manner carried on the duties of their Office.

THE EARL OF KIMBERLEY wished to observe that, as regarded the diligence and energy of the Commissioners, he could state that he had never met with any Office where the correspondence took such an extraordinarily long time to answer; and that feeling he had heard expressed in the country. He would now hope that the Charity Commissioners would, in future, after what the noble Duke had said, exhibit that ordinary diligence and activity which were shown by, and expected from, persons who received large salaries from the country for the transaction of the duties of their Office. He understood that all the Charity Commissioners took at the same time of the year what was called their "long vacation," and left the business of the Department to stand over for weeks, if not months; and, consequently, no correspondence could be carried on. He certainly thought that some of the Commissioners should remain at the Office all the year round and attend to the business which was necessary, so that it should not be quite stopped for weeks or months.

LORD CLINTON said, that he must say a word on behalf of the Charity Commissioners. He thought it would have been fairer if the noble Earl, instead of bringing so general a charge against the Commissioners, had stated

instances in which the alleged delay had occurred, so that he (Lord Clinton), as a Charity Commissioner, might have had the opportunity of giving some answer or explanation. He could assure the noble Earl that at no period of the year was the Office entirely closed, except on the Bank and other general holidays, and he must protest against the charge that the Commissioners neglected the correspondence of their Office.

Motion agreed to; Return ordered to be laid before the House.

CRUELTY TO ANIMALS BILL [H.L.]

A Bill to make provision for the more effectual prevention of Cruelty to Animals—Was presented by The Lord TRURO; read 1^a. (No. 125.)

House adjourned at half past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 24th June, 1879.

MINUTES.]—SELECT COMMITTEE—*Report*—Turnpike Acts Continuance (No. 243); Land Titles and Transfer [No. 244].

PUBLIC BILLS—*Resolution* [June 23] reported—Ordered—*First Reading*—Public Loans (Remission) * [218].

Committee—Army Discipline and Regulation [88]—R.P.

Committee—*Report*—Consolidated Fund (No. 4) *.

The House met at Two of the clock.

POSTPONEMENT OF QUESTION.

THE LATE PRINCE IMPERIAL.

SIR HENRY HAVELOCK: I wish to give Notice, Sir, that I shall postpone till Thursday next the Question which stands on the Paper in my name (*see* page 414) with regard to the circumstances attending the lamented death of the Prince Imperial; and I beg to state that I do so in the hope that the Mail expected from the Cape to-morrow or next day will enable the Government to put the circumstances in a more favourable light than they appear at present in the eyes of many thousands of people, who, like myself, think the circumstances in which the Prince found himself there on that occasion called, in more than an

Lord Clinton

ordinary degree, for the special supervision of the military authorities.

MR. P. J. SMYTH: I beg to give Notice that on Thursday I will ask the Secretary of State for War, Whether a rigid inquiry will be instituted into the circumstances immediately attending the melancholy death of the Prince Imperial?

QUESTIONS.

ARMY—MILITIA BARRACKS AT CHESTERFIELD.—QUESTION.

LORD GEORGE CAVENDISH asked the Surveyor General of Ordnance, Whether the attention of the War Office has been called to the bad state of repair and unwholesome condition of the Militia buildings at Chesterfield, being the head quarters of the 2nd Derby Militia; and, whether the War Office is prepared to put these buildings in a proper state of repair and good sanitary condition?

LORD EUSTACE CECIL, in reply, said, that the attention of the War Office had not been called to the alleged bad state of repair and the unwholesomeness of the barracks in question. The 2nd Derby Militia, at the request of their colonel, had obtained permission to occupy the barracks at Chesterfield instead of those at Derby. The War Office, while desiring to accommodate the Militia, could scarcely be asked to place any buildings they might choose to select as their barracks in repair at the public expense.

SOUTH AFRICA—THE WAR—DESTRUCTION OF ZULU VILLAGES.—QUESTION.

MR. O'DONNELL asked the Secretary of State for the Colonies, Whether his attention has been directed to the letter of the special correspondent of the "Daily News," published in the issue of that paper on the 20th instant, in which the destruction of four native villages, by Colonel Lowe's command, is described; whether, in particular, he has marked the following statement:—

"Lord Chelmsford had given orders that no kraals should be burned until the general advance, being anxious to utilize the woodwork of the huts as fuel; but these kraals were far away from the line of any possible advance, and Colonel Lowe determined to destroy them. Two laconic words from Long to his men, "set fire," sufficed to set them in a blaze, mere flimsy structures of wooden wattle as they were;"

and, whether the Government will make inquiries as to any order given by Lord Chelmsford for the burning of native villages during the general advance into Zululand such as is here alleged?

SIR MICHAEL HICKS-BEACH : Yes, Sir; my attention has been directed to the statements in the special correspondence of *The Daily News* quoted by the hon. Member; but the interpretation I should place upon them is that Lord Chelmsford had not ordered Native huts or villages to be burnt, but had directed them to be spared, in view of the possible necessity for using their materials as fuel during the advance into Zululand. The Government, of course, consider that these kraals should only be destroyed in case of military necessity; and my right hon. and gallant Friend the Secretary of State for War, with whom, rather than with me, this matter rests, has authorized me to state that if he saw reason to believe that any wanton destruction was permitted he would at once interfere.

MR. O'DONNELL : I will take an early opportunity of bringing the matter under the notice of the Secretary of State for War.

SOUTH AFRICA—INDENTURED NATIVE WOMEN AND CHILDREN.—QUESTION.

MR. O'DONNELL asked the Secretary of State for the Colonies, Whether his attention has been called to the following "Government Notice," published at foot of page 126 of "The Journal of the Aborigines' Protection Society," No. 5, prohibiting the restoration to their families of native women and children indentured out in servitude to Colonial farmers:—

"Native Labourers under Government Notice, No. 222, of 1878.—Office of the Secretary for Native Affairs, Cape of Good Hope, 10th April, 1879.—Whereas certain Kaffirs (Galekas, Gaikas, and others) on the Frontier and in other parts of the Colony, are found to apply to the Civil Commissioners of the various divisions in which the said Kaffirs at present reside, for passes to enable them to visit the Cape, and other districts of the Western Province, for the purpose of 'fetching their wives and families;' and whereas the said wives and families of the said Kaffirs have duly entered into terms of service under the above-mentioned Government Notice, No. 222, of 1878, thereby voluntarily rendering themselves incapable of leaving their place of service for the term of three years and six months from the date of their various 'contracts' respectively: Now, therefore, notice is hereby given, that it is not expedient to

grant passes to Kaffirs for the purpose above indicated, and all Civil Commissioners and Resident Magistrates, and other officers authorised to issue passes to natives, are hereby directed to refuse such passes when applied for, and to inform all applicants of this regulation accordingly. — William Ayliff, Secretary for Native Affairs;"

and, what action he intends to take in the matter?

SIR MICHAEL HICKS-BEACH : I have not received the "Government Notice" quoted by the hon. Member, either from the Colony or from the Aborigines' Protection Society, and I am, of course, unable to say how far it is an accurate copy of any notice which may have been issued; but, unquestionably, if it is accurate, it is open to very grave objection. I trust I may receive it from the Aborigines' Protection Society, with their report of the circumstances under which it was sent to them; and I can promise the House that I will, as soon as I do so, take action upon it.

METROPOLITAN BOARD OF WORKS (WATER EXPENSES) BILL.

QUESTIONS. OBSERVATIONS.

SIR HENRY SELWIN-IBBETSON said, he was anxious to put a Question to the Chairman of Ways and Means relating to the Notice which his hon. Friend had put upon the Paper with regard to the second reading of the Metropolitan Board of Works (Water Expenses) Bill. The Question which he wished to put was, Whether, looking at the circumstances of the case, his hon. Friend could see his way to the removal of his opposition to this Bill, so that it might be considered by the House? The Notice of his hon. Friend rather implied that the Government ought to have introduced this measure on their own responsibility, but that they had not done so. He was now authorized by his right hon. Friend the Chancellor of the Exchequer—whom he regretted to say was unable, from indisposition, to be present that day—to state that, with certain Amendments which he proposed to move in Committee, and of which he would give due Notice, the Government were prepared, on their own responsibility, to support the second reading of the Bill.

MR. RAIKES ventured to think that the Question which had just been ad-

dressed to him by his hon. Friend the Secretary to the Treasury offered the best justification for the course which he had taken in putting upon the Paper the Notice to which he had referred. The proposition which he desired to have affirmed was that a measure of this sort, quite apart from its merits—as to which he did not wish to say anything—that a proposal of this description was not one which would obtain the favour of the House unless it had received the sanction of the Government, who had thought that, under the special circumstances of the case, there was reason for its being brought before Parliament. Having now obtained from his hon. Friend the Secretary to the Treasury the intimation that the Bill was in that position, he had arrived at the result he desired to secure, and he should, therefore, be very happy to withdraw the Notice which he had put upon the Paper.

MR. MONK desired to ask a Question of the hon. and gallant Gentleman the Chairman of the Metropolitan Board of Works upon the general question arising out of this Bill—namely, Whether he could inform the House the amount for which he asked an indemnity from Parliament.

SIR JAMES M'GAREL-HOGG said, that in answer to the Question of the hon. Gentleman, he might state that he should be prepared in Committee to put down a certain sum beyond which an indemnity would not be asked; but as he had had no Notice of the Question then put to him, he hoped the House would allow him to postpone giving an exact answer. Perhaps he might be permitted to add his belief that the amount of the indemnity would be between £15,000 and £16,000 at the outside. But he would put down a sum in Committee which would cover everything.

MR. O'DONNELL begged to give Notice that, as the very excellent Notice of opposition put down by the hon. Gentleman the Chairman of Ways and Means had been removed, he should do what was in his power to make certain that the discussion upon this Bill should take place before half-past 12 at night, if at all, in order that he might insure as full as possible a discussion of the very important principles contained in this Bill.

Mr. Raikes

SOUTH AFRICA—THE WAR EXPENDITURE.—QUESTION.

MR. RYLANDS: I beg to ask the Secretary of State for the Colonies a Question of which I have given him private Notice. I wish to ask, If the Government have formed any estimate of the amount which ought to be contributed by the Cape Colonists towards the war expenditure; and, whether any, and what steps, have been taken with a view to obtaining payment of such amount; and, whether any despatches upon the subject will shortly be laid upon the Table of the House?

SIR MICHAEL HICKS-BEACH: I see that the hon. Member for Burnley has given Notice of his intention to ask the House to express its opinion that the Colonies of the Cape of Good Hope and Natal ought to be required to contribute a due proportion of the military expenditure incurred in their interests. I can only assure the hon. Member that that is entirely the view of Her Majesty's Government, and that that is a matter which they have had in mind throughout all the circumstances which have occurred. From the Papers which are already in the possession of the House I think hon. Members must be aware that when, now more than a year and a-half ago, re-inforcements were sent to the Cape in connection with the Transkei War, it was distinctly stated to the Cape Government that they would be required to contribute their due proportion of the expenditure. There have been, since that time, further communications upon the subject. We have had, of course, to endeavour to ascertain what the expenditure of the Cape Government itself may have been—I understand that it amounted to more than £1,250,000—and what our own expenditure was in the Transkei War; and it is only comparatively recently that we have been able to arrive at a knowledge of the full details of that expenditure. The Cape Government have informed us merely of the total amount at which they estimate their expenditure; and the last despatch which was written upon the subject was one conveying to them the detailed items of the expenditure which had been incurred by this country for the Transkei War, and asking them to furnish us, in return, with the details of the £1,250,000 which they said they had ex-

pended. That is how the matter at present stands. The Correspondence has not yet been presented. I think it would be well to wait for their reply before it is presented; but it will be laid, as soon as possible, before the House.

MR. RYLANDS said, that, in consequence of the statement of the right hon. Gentleman, he should withdraw his Notice on the third reading of the Customs and Inland Revenue Bill; and, if no further information were given by the Government, he should put it down on the Motion for Supply.

MR. CHILDERS: With respect to the answer which has just been given to my hon. Friend the Member for Burnley, may I be allowed to give the right hon. Gentleman the opportunity of supplementing his answer by asking this further Question? My hon. Friend referred in his Question not only to the Transkei War, but to the Zulu War; but in the right hon. Gentleman's answer, no reference was made to any share which the Colonists may have to bear of the other and larger expenditure in connection with the Zulu War. I would ask the Secretary of State for the Colonies, Whether the Government have had any similar communications with the Colonial authorities with reference to the Zulu War; and, whether he will lay upon the Table the Correspondence which has already taken place?

SIR MICHAEL HICKS-BEACH: Will the right hon. Gentleman give Notice of his Question?

HARBOURS—DUNBAR HARBOUR.

QUESTION.

LORD ELCHO asked the Secretary to the Treasury, When the Report on Dunbar Harbour will be placed on the Table of the House?

SIR HENRY SELWIN-IBBETSON, in reply, said, that he had received it that morning, but had not had time to look into it. He would do so without delay, and then inform the noble Lord when it would be ready for presentation to the House.

PREROGATIVE OF THE CROWN.

ORDER FOR RESUMING ADJOURNED DEBATE DISCHARGED.

MR. DILLWYN moved the discharge of the Order for resuming the debate

upon the Prerogative of the Crown. He explained that he did so, in the first place, because he did not see any opportunity of bringing the debate on; secondly, because the House was in possession of much more information now than it was when he brought the question forward; and, thirdly, because of the change that had been made in the command of the troops at the Cape.

Motion agreed to.

Order for resuming Adjourned Debate on Amendment on Motion [13th May] read, and discharged.

ARMY DISCIPLINE AND REGULATION BILL—COURTS OF INQUIRY.

QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, When he will lay on the Table the promised Rules as to limiting the use of Courts of Inquiry, and preventing their abuse?

COLONEL STANLEY, in reply, said, he proposed that the clause in the Army Discipline and Regulation Bill bearing on the subject of Rules of procedure, should be postponed until the Committee had arrived at the end of the measure. He was advised that this would be the best mode of meeting any possible changes which the Committee might make in the Bill as it stood.

PARLIAMENT—ORDER OF BUSINESS.

QUESTION.

CAPTAIN PIM asked, Whether Mr. Speaker would be good enough to inform him why the Notice of Motion in his name for this evening stood third upon the Paper, instead of second, as it appeared in the Order Book of the 10th of June? A Notice of Motion by the hon. Member for Dundalk (Mr. Callan) was now put before him, although he had balloted and obtained the second place.

MR. CALLAN said, that some mistake having been made in the matter before the adjournment for the Holidays, he had written to the Clerk at the Table and received an answer that nothing could be done until the House re-assembled. When the House met, a reference was made to the list which had been made, and the Notices were placed by the Clerk at the Table exactly in the order in which the ballot was held.

Mr. SPEAKER believed that the explanation just given was quite correct. It accounted for the Notice of the hon. Member for Dundalk being put down before that of the hon. and gallant Member for Gravesend. The Motion of the hon. Member for Dundalk was entitled to precedence on the Paper this evening.

CAPTAIN PIM asked, why he was not informed by the Clerk at the Table as to the fate of his Motion?

Mr. SPEAKER said, the Clerk, acting in accordance with the ordinary practice of the House, made an alteration, which, of course, the hon. and gallant Member would see on the Notice Paper on the following day.

CAPTAIN PIM said, it was by the merest accident that he happened to see it.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE. [*Progress 23rd June.*]

Bill considered in Committee.

(In the Committee.)

MISCELLANEOUS.

Rules of Procedure.

Clause 69 (Power of Her Majesty to make rules of procedure).

COLONEL STANLEY moved that the clause be postponed. He had been informed by his advisers that it would be best to postpone the discussion of this clause in Committee till a later period.

MAJOR NOLAN wished to know exactly when the clause would be taken, for it involved very important considerations. He should not like the clause to be taken without Notice, or at a late or inconvenient hour.

COLONEL STANLEY said, that he proposed to postpone the discussion of the clause, because he was advised that it would be best not to take power to make rules of procedure until the various clauses of the Bill had been decided upon by the Committee. The clause, having been postponed, would come before the Committee at a later period ;

but when he could not at that moment say.

Mr. HOPWOOD observed, that this clause was open to considerable objection, for it was one giving power to Her Majesty—

“ To make rules to be signified under the hand of a Secretary of State, to repeal, alter, or add to,”

certain provisions of the Bill. The power given by this clause was, in effect, to leave it to the Secretary of State to vary various matters decided upon by the House. He thought this matter required considerable attention.

Mr. O'DONNELL thought the proposal to postpone the consideration of this very important clause was very inconvenient; if the Government were not prepared to discuss the clause, let them postpone the discussion of the Bill altogether. The Government would find itself very much more pressed for time later on in the Session, and would probably yield to the irresistible temptation of bringing on the clause, perhaps, after 12 or 1, and a discussion at that time would not be at all satisfactory. He begged to remind the Committee that on the last occasion when the Committee sat, several clauses were run over with extreme haste, which, had they been brought forward at an earlier time of the day, would have received much more consideration. By this clause—

“ Her Majesty may, by rules signified under the hand of a Secretary of a State, from time to time make, and when made repeal, alter, or add to, provisions in respect to the following matters.”

The clause gave power to the Secretary of State for the time being, no matter what might be the subsequent decisions of the Committee upon the Bill, to make and unmake, alter and add to, the provisions of the measure. The matters over which this power was given were some of the most important provisions of the measure. They included—

“ The convening and constituting of courts martial; the adjournment, dissolution, and sittings of courts martial; the procedure to be observed in trials by courts martial; the confirmation and revision of the findings and sentences of courts martial; the carrying into effect sentences of courts martial; the forms of orders to be made under the provisions of this Act relating to courts martial, penal servitude, or imprisonment; any matter in this Act directed to be prescribed; any other matter or thing expedient or necessary for the purpose of carry-

ing this Act into execution so far as relates to the investigation, trial, and punishment of offences triable or punishable by military law."

The Committee had discussed the position and functions of courts martial at great length; but this clause gave power to vary any decision in respect of that, or of any of the other matters mentioned; so that, no matter what decision might be come to upon these subjects, it could afterwards be set aside by the Secretary of State. He thought that, with such a clause as this hanging over the Bill, the best thing to be done would be to put it out of the way before they went further. For, if any subsequent clause which they passed in any way related to the matters as to which this clause gave power to make rules, the decisions of the Committee would be absolutely futile. In his opinion, there should not be any such clause in the Bill as this 69th clause. The Bill was intended to be permanent; and yet Her Majesty's Government were to have power, whenever they pleased, to vary so much of it as came within this very sweeping clause. He should have thought that Her Majesty's Government ought to be able to tell the Committee what were the permanent regulations which were required for Army discipline, and to ask for the sanction of Parliament to those rules. If this Army Bill, which the House was now passing, was not found satisfactory, it was open to the Government to bring in supplementary Acts for such portions of it as were found deficient. But, by this clause of the Bill, the authorities were to be allowed to tack on provisions which, it seemed to him, would entirely stultify the action of the Committee. One would have imagined that the Government desired to pass a Bill of some kind with respect to the Army; but if the Government were ashamed of their Bill, let them say so, and not occupy the time of the House further with it. He could see no reason whatever for the postponement of this clause.

MR. O'CONNOR POWER was surprised that the right hon. and gallant Gentleman the Secretary of State for War did not think it worth his while to notice the observations of his hon. Friend the Member for Dungarvan; because it seemed to him that what he had pointed out—namely, that this clause gave power to do away with the decisions of the

Committee on various parts of the Bill, was of very great importance. The Government now proposed to withdraw this clause, and to run through the whole Bill, and then to embody the substance of this clause in a new one. He thought that the best time for the discussion of this very important question was as it stood in the 69th Clause.

Motion agreed to.

Clause, by leave, postponed.

Inquiry as to, and Confession of Desertion.

Clause 70 (Inquiry by court on absence of soldier).

SIR ALEXANDER GORDON wished to move an Amendment—namely, in page 39, line 2, to leave out the word "may," and insert the word "shall."

COLONEL STANLEY said, that he had no objection to it.

MR. O'DONNELL wished to move an Amendment on the clause, before that of the hon. and gallant Member. This clause said—

"That when any soldier has been illegally absent from his duty for a period of *twenty-one days*, a court of inquiry may, as soon as practicable, be assembled, and inquire in the prescribed manner on oath (which such court is hereby authorized to administer) respecting the fact of such absence."

He wished to point out that the object of the inquiry in this clause was whether the soldier had been "illegally" absent or not. He did not think that this presumption of illegality should be retained, for what was the use of the word "illegal" in the clause? If the soldier was absent without known cause, he could understand it; but when it was said that the inquiry was to be whether he was "illegally" absent, he did not see what meaning was to be attached to the word. He should suggest that, instead of the word "illegally," there should be substituted the words "has been absent without known cause."

COLONEL STANLEY said, that if the word "illegally" were left out, the absence of a soldier from his duty for 21 days would be made legal. Where a soldier had been absent without any assignable cause then the court of inquiry would have to assemble. This court was—

"To inquire in the prescribed manner on oath (which such court is hereby authorized to ad-

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minister) respecting the fact of such absence, and the deficiency (if any) in the arms, ammunition, equipments, instruments, regimental necessities, or clothing of the soldier; and if satisfied of the fact of such soldier having absented himself without leave, the court shall declare such absence and the period thereof, and the said deficiency (if any), and the commanding officer of the absent soldier shall enter in the regimental books a record of the declaration of such court. If the absent soldier does not afterwards surrender, or is apprehended, such record shall have the legal effect of a conviction by the court martial for desertion."

The record had a legal effect, and the soldier's effects were sold and placed to the non-effective account. This was necessary to be done, as in some cases soldiers deserted, and were not heard of for years.

MR. BIGGAR thought that the objection raised to this clause was this—that it was assumed by the clause that the soldier was "illegally" absent before investigating the case. It was proposed, then, to punish the soldier for being "illegally" absent. If he apprehended the Amendment, it was to introduce after the word "absent" the words "without leave," and to strike out the word "illegally." Under this clause, as it stood, a soldier, who had been absent without leave, might be declared a deserter in his absence. A soldier might be absent without leave from no fault of his own, but for causes which he could not help; and it was not right that it should be assumed that he had been "illegally" absent.

MR. O'DONNELL hoped that the right hon. and gallant Gentleman would consent to strike out the word "illegally" and put in the words "without leave." His contention was that it could not be told whether the soldier was illegally absent until he had been tried: he might be absent for a very good reason—he might have got leave, and overstayed it from no fault of his own, and, at the same time, it might be necessary for inquiry to be made into the cause of his absence. It seemed to him that the wording of the clause was faulty; and he could not see why the authorities should stick to the word "illegally," which was not properly put in the clause. Although a soldier might be absent without assignable cause, it ought to be legally proved that his absence had been "illegal." He thought that the fact of the illegality of the man's absence should be proved, rather than they should go upon a sup-

position which might turn out to be quite unfounded.

MR. HOPWOOD understood the right hon. and gallant Gentleman the Secretary of State for War to say that mere absence from duty was a sufficient definition, and that the soldier was then on the wrong side of the account. What he supposed the right hon. and gallant Gentleman meant was that absence from duty raised the presumption of an offence or omission cognizable by a Court of Inquiry. If that were so, he should be much surprised. He did not see that the word "illegally" was really wanted; all objection to the clause would be done away with by taking out the word "illegally." Then the clause would read—"When any soldier has been absent from his duty for a period of 21 days," and there was something to be inquired into. If the clause were left in that manner, they would have all they wanted; but if the word "illegally" was retained then, as the hon. Member for Dungarvan had said, it would prejudice the matter; whereas the court ought to require to be satisfied by proof that the absence of the soldier was "illegal."

SIR ALEXANDER GORDON was bound to say that he thought the proposal to strike out the word "illegally" was a sensible one. He considered that it would be quite enough to provide for the trial of a soldier "who had been absent from his duty without leave," without using the word "illegally."

THE SOLICITOR GENERAL (SIR HARDINGE GIFFORD) was inclined to agree with some of the observations of the hon. Member for Dungarvan. But this was only one of those enactments which assumed, in the first instance, the commission of an offence. It was the rule in Acts of Parliament to say that a man guilty of murder should be tried before a magistrate, and the same phrases were used with respect to other offences. It was assumed in all Statutes that a man was guilty of the offence for which he was to be brought before the magistrates. In a certain sense, no doubt, it was unjust to assume that the man was guilty of an offence before he was tried; but, on the other hand, no real injustice was done, and no practical inconvenience resulted from leaving the language as it now stood. It was the contention of his right hon. and gallant Friend

Colonel Stanley

that the mere words "absence from duty without leave" would not cover every case that might occur. There seemed to be cases in which the words "absent without leave" would subject persons to trial who were not really liable to be tried. He thought that what had been said with respect to this clause was hypercritical; and as he had shown that it was usual, in speaking of the trial of offences, to assume that a man was guilty of what he was tried for and no practical inconvenience resulted, he did not think it was worth while to alter this clause.

SIR CHARLES W. DILKE observed, that it was surely not necessary to retain these words because it had been the usual practice to assume that men were guilty before they were tried. There must be some form of words known to the Army authorities which would correctly state the circumstances which should make a soldier liable to be tried, without using words which assumed that he was guilty. Clearly, the Committee could not allow the word "illegally" to be retained in the clause when its use was prejudicial. He should suggest, that instead of "illegally," they should say—"Absent without leave," "without due cause," or "without reasonable cause."

MR. RYLANDS said, that this was one of the difficulties in which the Committee was landed in consequence of Her Majesty's Government not giving proper instructions to the Select Committee. If the Government had directed the Select Committee to deal with the questions put before them in the general way, instead of saddling them with the terms they had, he believed that the anomalous wording of the clause would not have been retained. If the Committee had been left unfettered, the Articles of War and the Mutiny Act would have been drafted into a proper shape, and the old words, which were improperly used in those documents, would not now appear. The right hon. and gallant Gentleman seemed to regard the language of the Articles of War and the Mutiny Act as almost having the authority of inspiration. He could not see any ground for the Government refusing to accept this Amendment. The hon. and learned Gentleman (the Solicitor General) did not give the slightest evidence to show that the words suggested

would not meet the case. He most strongly objected to the continuance of words in this clause, because they were found in the very musty and obsolete Articles of War, and had been for many years accepted by the military authorities.

MR. O'DONNELL wished to point out that the phrase "without leave" occurred a little lower down in the clause, and seemed to be tantamount to "illegal" absence. That seemed to him to take away the ground from under the feet of Her Majesty's Government. If the Government criticized them for being hypercritical, he thought that the Government were guilty of delaying the Business of the Committee from their own hypercriticism, in refusing to accept the Amendment.

MR. O'CONNOR POWER said, it was admitted that as the words stood in the clause they were capable of an ambiguous construction; and it had been suggested that the words should be made clear and intelligible. If the phrase "without leave" did not cover the ground sufficiently, then he thought that the expression which had also been suggested by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) would meet the case—namely, "without leave," or "without due cause," or "without reasonable cause." These were expressions which were intelligible to everyone; but the word "illegally" was really a very doubtful word. Nothing could be worse than to leave such a matter as this in ambiguity.

COLONEL COLTHURST remarked, that the words "absent from duty without leave" would, in practice, cover every possible case.

COLONEL ARBUTHNOT thought that the objection might be readily met if it were said "suspected of having been illegally absent from duty."

COLONEL STANLEY had no objection to the insertion of the words "absent from his duty without leave;" but what he did object to was to strike out the word "illegally." Striking out that word would make a man liable to be tried who had been absent even with leave, but had overstayed it.

MR. BIGGAR said, that the original proposal was that the word "illegally" should be struck out. With respect to the contention of the hon. and learned Solicitor General, it seemed to him to be an exceedingly weak one. He argued

that because in some Acts of Parliament expressions were used which were contrary to general principles of jurisprudence, they should adhere to them and fall into the same error.

MR. O'CONNOR POWER said, that the Government was asked to give way upon this point as to the word "illegally," and to that the right hon. and gallant Gentleman the Secretary of State for War had replied that he accepted the suggestion of the hon. and gallant Member for Cork (Colonel Colthurst). This was absolutely no concession on the part of the right hon. and gallant Gentleman; and he did not think that they ought to pass this clause under the idea that a concession had been made. The addition of the words "without leave" would not meet the objection which had been made. It was against the common sense of the Committee to suppose that they would consent to a proposal of that kind.

MAJOR O'BEIRNE remarked, that if a soldier surrendered, or was afterwards apprehended when he was absent from no fault of his own, he would, nevertheless, have been declared "illegally" absent, and convicted of desertion. If a soldier surrendered voluntarily, there was no occasion for a conviction.

MR. O'DONNELL remarked, that in the case stated where a man had been tried as illegally absent, there was good reason why he should not have been convicted, and the Government, in retaining this word, was doubly stultifying itself. If the hon. and learned Gentleman (the Solicitor General), who had delivered a lecture on hypercriticism, would give a little legal advice to his military Colleagues on this subject, he thought some good would result. However great the right hon. and gallant Gentleman's knowledge of military matters might be, he did not seem to apprehend that there was grave objection to saying that a man should not be tried unless he had been illegally absent.

COLONEL STANLEY said, that he was willing to accept the words, which, it seemed to him, perfectly met the objection. If they said a man was absent illegally, they said, in fact, that he was absent without leave. But he was willing to insert the words "without leave," as he understood that to be the wish of the Committee. Although he did not think that much would be gained, he

would not raise any further objection to the word "illegally" being struck out from the clause.

Amendment made,

In page 39, line 1, by striking out the word "illegally," and inserting in the same line, after the word "absent," the words "without leave."

SIR ALEXANDER GORDON moved, in page 39, line 2, to leave out the word "may," and insert the word "shall."

MR. MUNTZ thought the clause would be better as it stood; for supposing that a man was taken ill when on leave, his absence from duty for that cause ought to be passed over. But if the word "shall" was substituted for "may," on his return his commanding officer would have no alternative but to assemble a Court of Inquiry to inquire as to his absence.

SIR ALEXANDER GORDON explained, that the reason why he wished this Amendment to be made was that it would compel the commanding officer to report all deserters to head-quarters. This was a very important matter; for at present it was compulsory on a commanding officer to return a man to head-quarters as a deserter if he were absent for more than 21 days. The reason for compelling the commanding officer to make these reports was that the Secretary of State for War might know how many deserters there were in the Army. If this matter were made optional, the commanding officer might allow men to be absent for several months without ordering any inquiry. At present, a General could direct a man to be reported as a deserter; but if this Act made the assembling of a court permissive, a commanding officer could refuse to have an inquiry held. Therefore, he thought that it was of the highest importance that the assembling of these courts should be made compulsory where a man had been absent for 21 days.

MAJOR NOLAN did not think that the Amendment was required. At present, the commanding officer had to report a man who had been illegally absent for five days, and the War Office thus became cognizant of the fact. He knew of cases where hardship would be worked by this alteration. A man might overstay his leave without any intention of deserting; and it should be in the discretion of the commanding officer as to inquiring into the case. Moreover, there

Mr. Biggar

might be great practical difficulties if this were made compulsory, for unnecessary trouble would be occasioned in the case, say, of a small battery of Artillery at an outlying port. It would be very troublesome for an officer in command of that battery to obtain the attendance of officers for the purpose of holding a Court of Inquiry; whereas, under the clause as it stood at present, the matter might be postponed till a convenient time.

Amendment negatived.

SIR GEORGE CAMPBELL moved to insert, after the words "without leave," "or without other sufficient cause."

Amendment agreed to.

MR. O'DONNELL said, that the closing paragraph of this clause was rather severe, and he thought was calculated to work undeserved injury upon the character of a man. It stated that—

"If the absent soldier does not afterwards surrender and is not apprehended, such record shall have the legal effect of a conviction by court martial for desertion."

Desertion was a most disgraceful offence, and if it took place in the face of the enemy was peculiarly disgraceful. A soldier might be absent without leave for one or two days. He might have fallen sick, or he might be dead; but this clause would give the opportunity, from the mere fact of his having been absent without leave, to brand him as a deserter. This effect of the clause would be to enable a man who was absent from no fault of his own to be branded as a deserter. That might be very painful to his family and relations, when it was afterwards found that he had been killed, or had been taken a prisoner, or had fallen ill. He thought that the same legal effect might have been produced in some other way, without the necessity of branding a man as a deserter under these circumstances. He did not think it right to brand a man as a deserter while there was any reasonable chance or hope that he had not really deserted. He did not propose to move any Amendment on the clause; but he thought that something should be done to prevent the effect which he had pointed out.

COLONEL ALEXANDER said, that it occasionally happened that a soldier returned after having been illegally absent

for three, four, or five years. The witnesses who might be necessary to prove the case against him might then be dead, or might have moved, and there would be no evidence producible to prove his desertion, except this record of a court martial. At present, the book of this court was produced, and was evidence of the soldier's desertion. That was the reason for the provision.

MR. O'DONNELL, in replying to the hon. and gallant Gentleman opposite (Colonel Alexander), wished to put the case of a man either killed or cut off by the enemy. He thought that so much weight ought not to be given to the presumption of desertion as was given in this clause.

MR. HOPWOOD read the section—

"If the absent soldier does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction by court martial for desertion,"

—differently to the hon. and gallant Member opposite (Colonel Alexander). It appeared that the only object of the section was that the legal effect of conviction should operate by way of forfeiture upon any portion of the pay or allowances to which the soldier was entitled, so that all claims which might be made, say, by his relatives in case of his supposed death, might be quieted by the fact of his being away in a manner not explained. The words, which were simply, "if he does not afterwards surrender or is not apprehended," meant that if he never came back, either compulsorily or voluntarily, the legal effect was to be the same as if he had been condemned by court martial for desertion. That, he presumed, carried with it forfeiture of pay, and all matters of that kind.

COLONEL ALEXANDER said, the regimental book was produced as evidence against a prisoner of desertion, when witnesses were not forthcoming.

SIR ALEXANDER GORDON thought the Secretary of State for War ought to have explained to the Committee that this was a very important departure from the existing system. He also wished the right hon. and gallant Gentleman would explain why he had omitted from the Bill the remainder of the clause in the existing Act, of which he had taken the first part only, thereby making a court of inquiry take the place of a court martial?

COLONEL STANLEY agreed that the section was open to the construction placed upon it by the hon. and learned Member for Stockport (Mr. Hopwood). The words, perhaps, covered more than they were intended to do; and he would introduce words on Report to make this clause agree with the existing Act.

MR. RYLANDS said, the Select Committee were presented with a draft Bill, which was intended to embrace the Mutiny Act and the Articles of War, prepared by a very distinguished draftsman, Sir Henry Thring. But, so far as he had found, the Report contained no recommendation, on the part of the Select Committee, to make the very material change in the terms of previous regulations alluded to by his hon. and gallant Friend (Sir Alexander Gordon). Again, the draft Bill presented by Sir Henry Thring contained the very terms of the existing Act, which the hon. and gallant Member had referred to. How, then, did it happen that this very important change had been made in the Bill presented for the consideration of the Committee? This was not a single instance of the way this Bill had been prepared. There were many instances in which the Bill under consideration departed, very materially, from the Bill deliberated upon by the Committee; and as those alterations could not have been made in accordance with the views of the Select Committee, they must have been made in some other way since the Committee sat.

COLONEL STANLEY said, the Select Committee did not go through the Bill in the same way as the Committee of the House would go through it. They simply knew that the Bill was introduced on the authority of the Government, and that it was hurriedly placed before them. He (Colonel Stanley), as was his duty, had introduced improvements in the language, when necessary.

MR. O'DONNELL asked the attention of the right hon. and gallant Gentleman to this point. A soldier might have been absent without leave for more than 21 days; a Court of Inquiry had been held and, according to the judgment of the court, it had been decided that he was a deserter, when, really, the man had fallen into the hands of the enemy. If, after his death, and the finding of the court which pro-

claimed him a deserter, evidence should be forthcoming, was there any means by which his memory could be cleared, and the claim of his relatives to his effects established? If not, would the right hon. and gallant Gentleman have any objection to the insertion of words in the Bill to meet this case? The effects of a soldier were, occasionally, very considerable, and unpaid balances, amounting to as much as £150 to £200, were, from time to time, advertised; and such amounts as these, unjustly forfeited in the case of men who were afterwards proved not to have deserted, would be matter of very considerable importance to their relatives. Some words ought, therefore, to be introduced to meet this case.

COLONEL STANLEY said, this was unnecessary, as provision already existed for dealing with cases of the kind referred to by the hon. Member for Dungarvan.

Clause, as amended, *agreed to*.

Clause 71 (Confession by soldier of desertion or fraudulent enlistment).

SIR ALEXANDER GORDON said, the words "or Adjutant General" had been inserted in this clause under an entire misapprehension of the duties of this officer. The Adjutant General had no power of himself, being simply a Staff officer of the Commander-in-Chief, and in precisely the same position as Staff officer, General Officer, or adjutant of a regiment. If the Committee allowed it to remain in this clause, and all through the Bill, that the "Commander-in-Chief or Adjutant General" had power to do certain things, the word "or adjutant" would also have to be used in the same way when a commanding officer was spoken of; because commanding officers gave their orders through their adjutants. He thought it better that these words "or Adjutant General" should be omitted, and therefore moved that they be left out of the clause.

COLONEL STANLEY said, the Adjutant General had distinct power, in the absence of the Commander-in-Chief, to act as his deputy; and, as a case in point, the Commander-in-Chief last year went to one of the foreign garrisons for a short time, during which the Adjutant General acted in that capacity. It had been thought safer, so far as concerned

cases where the release of a prisoner or other matters which might have to come before a Civil Court were in question, to insert the words "or Adjutant General," which applied only to the Adjutant General in this country, and when the Commander-in-Chief was absent, or incapacitated from acting by illness; but not to any of his deputies.

MR. MUNTZ suggested that the words "or in his absence" should be inserted.

MR. CAMPBELL - BANNERMAN thought the word "absence" could not be applied with correctness to the General Officer Commanding-in-Chief.

COLONEL STANLEY said, there was clearly some difficulty on this point, and he, therefore, preferred to retain the wording of the clause.

MR. O'DONNELL did not understand the reason for the words—

"Where a soldier signs a confession that he has been guilty of desertion or of fraudulent enlistment, a competent military authority may dispense with his trial and order that, instead of being tried by a court martial, he shall suffer the same forfeitures and the same deductions from pay (if any) as if he had been convicted by court martial of the said offence, or such of them as may be mentioned in the order."

Why should the soldier not be brought up before a court martial? Of course, when it was said that a competent military authority might dispense with the trial by court martial, the phrase did not mean much; but the appointment of these somewhat new authorities between the Commander-in-Chief and the soldier, who were responsible for representing a case in this or that light, was no good reason for not bringing the man before a court martial. The offence in question was a very serious one; and if the soldier signed a confession of guilt, why should not the record be taken by court martial?

COLONEL STANLEY replied, that this portion of the clause was inserted entirely in favour of the soldier, and its meaning, in his opinion, was perfectly clear. It enabled a man who had deserted to make a confession; and, at the same time, it allowed the competent military authority to dispense with trial and with the punishment which, on conviction, might be otherwise awarded to good men about to go abroad. But, although the trial was dispensed with, their effects were forfeited.

SIR ALEXANDER GORDON thought the Secretary of State for War had, by his explanation, rendered the question relating to the Adjutant General more complicated than ever. The Adjutant General of the Army in India, and of any Presidency in India, would have the same authority as the Commander-in-Chief. He wished to point out that the explanation given by the right hon. and gallant Gentleman, with reference to the power to the Adjutant General to act in the absence of the Commander-in-Chief, was quite inapplicable.

COLONEL STANLEY said, the words applied only to the Adjutant General in England.

SIR ALEXANDER GORDON pointed out that the Adjutants General in India were specified in Clause 67.

MR. BIGGAR thought the best way of dealing with those men who confessed themselves guilty of desertion would be to institute a formal inquiry into the truth of their confession. It was well-known that many persons went to the police and said they were guilty of crimes of the gravest character; and the custom was to make inquiry, and formally bring the accused persons before the Court, when, if no corroboration of the charges were forthcoming, they fell to the ground, as a matter of course.

Amendment negatived.

Clause agreed to.

Provost Marshal.

Clause 72 (Appointment and powers of provost marshal).

COLONEL STANLEY desired to bring up a new clause dealing with the duties of the provost marshal, and which he trusted would meet with the approval of the Committee. Owing to the pressure of time this was not yet completed; and he, therefore, begged to move the postponement of the present clause.

SIR CHARLES W. DILKE could not help expressing the opinion that it would have been more convenient had the right hon. and gallant Gentleman informed hon. Members who had taken part in the discussion upon the Bill, and especially those who had Amendments on the Paper, of his intention to postpone this clause. But, at the same time, by postponing the clause and making it more distinct, he would,

doubtless, he doing that which most of the opponents of the Bill wished. The great objection to the clause was its vagueness. The Committee need not go beyond the first few lines to see how extremely vague and imperfect was the wording employed. And, moreover, the language in which the clause was now expressed differed a good deal from that made use of in the Articles of War. The object of the Amendment which he had intended to move was to restore the wording of the Articles of War, which was much less vague than that of the clause as it stood in the Bill. There had been a Question put to the Government the other day with reference to the flogging of some camp-followers at the time of the occupation of Cyprus; and that Question he would like again to put to the Government at a future date. Some camp-followers had been flogged in Cyprus at the occupation. Now, that, he believed, was not on active service, according to the definition recently given in the Committee. The words "military occupation of a foreign country" occurred in the Bill, and Cyprus was a foreign country; but the Government denied its military occupation. In the clause under discussion there were also the words "active service;" and his impression was, after having examined the subject as well as he could, that those words did not include the operations which had been carried on in Cyprus by our troops. If his view was right, he could not understand on what grounds camp-followers were flogged; and it was very important, he thought, that the Government should give the Committee some explanation on that point, for although some of the stories of flogging might not be true, there was no doubt that in many cases the power of inflicting that punishment had been abused. It was, in his opinion, necessary, therefore, that the clause should be watched by the Committee with the most jealous care. It was a clause which, for its vagueness, was more open to objection than almost any other clause in the Bill; and the Committee had a right, he thought, to complain of the suddenness with which it was proposed to postpone it.

COLONEL STANLEY said, he regretted as much as the hon. Baronet who had just sat down the shortness of the notice which he had given the Committee as to

his intention to ask its assent to the postponement of the clause. The fact was, however, that the pressure of Business had made it physically impossible for him to lay the Amendments which he proposed to introduce into the clause on the Table that day.

SIR GEORGE CAMPBELL said, he had come down to the House for the purpose of suggesting the postponement of the clause, which was one to which he had the strongest objection. Such a clause, or anything resembling it, in its present shape could not, in his opinion, possibly receive the assent of the House of Commons. He spoke not without experience on the subject, because he had seen something of the action of provosts marshal in India. Some of the stories which he had heard connected with them might not, perhaps, bear examination; but he had always been disposed to look upon a provost marshal as a most mysterious person, whose powers and actions nobody knew anything about. He was generally, he believed, a non-commissioned officer of strong character and nerve, whose temper, naturally despotic, was controlled only by the rank of the person who happened to fall into his hands. Rank made a great difference in the way in which the duties of a provost marshal were carried out. If some poor and friendless man fell into his hands, he was apt to be very roughly and very severely treated. There was nothing, so far as he could see, to prevent the provost marshal from hanging him or flogging him—in short, from doing with him what he liked. On the other hand, if he had to deal with anyone of position in the Army, he would probably be more careful how he acted in his case. The truth was, that up to the present time—and it would be still more so under the operation of the clause now under discussion—the powers of a provost marshal amounted to nothing more or less than a despotism, tempered by the rank of the offender. He wished to take a practical view of the question, and he was perfectly prepared to say that it was necessary there should be some mode of dealing summarily and severely with offences committed when the Army was in the field. As matters stood, however, there was no alternative in such cases between the provost marshal and the very cumbrous machinery prescribed by

Sir Charles W. Dilke

military law of a court martial, to which it was impossible to have recourse always when the troops were on active service. It appeared to him that it would be far better to confer the power of summary punishment, now possessed by the provost marshal, on some tribunal in the nature of a drum-head court martial. He at first thought that a tribunal of that kind would be established under the operation of Clause 49; but he afterwards found that that clause had reference only to general field courts martial, which would only deal with the more serious class of offences, and the sentences of which must be referred, for confirmation, to the Commander-in-Chief of the Army, who might be at a distance from the spot, and who might, therefore, find it impossible to deal with petty cases. But, be that as it might, there was no tribunal for the purpose of punishing summarily petty offences, committed against the peaceable inhabitants of a country in which troops happened to be marching, except the provost marshal; and it was out of all question, he thought, to suppose that the Committee would consent to give him the enormous powers which the clause would confer upon him. Knowing well that the clause had been considered by very competent persons, he was unwilling to repeat what he heard said by several hon. Members, that it was very badly drawn. In that respect, he entirely concurred in the remarks which had been made by the hon. Baronet the Member for Chelsea (Sir Charles Dilke). There were one or two points in the clause to which he wished especially to call the attention of the Committee; and it was all the more desirable that they should be mentioned, as the clause was about to be postponed, with the view to its re-introduction in an amended form. As it now stood, the powers given to the provost marshal could be put in force only in those cases in which he happened to detect a person, and himself to see him, "in the actual commission of any offence." That was the theory; but how did that theory operate in practice? It was impossible that the provost marshal, who was only one man, could see with his own eyes everything that was going on in the Army. There were, however, other words in the clause by which the provision to which he was re-

ferring was very materially varied. If hon. Members would look at the last part of the clause, they would see the words—

"The provost marshal or his assistant has seen the offender committing the act for which summary punishment is inflicted."

But, although he had looked very carefully over the Bill, he could not find a single syllable to explain who the "assistant" was to be. There was no such person mentioned in the Definition Clause; and he should feel it to be his duty to ask the right hon. and gallant Gentleman the Secretary of State for War, when the clause again came before the Committee in its amended shape, who were to be the assistants of the provosts marshal, and whether it would be in the power of a provost marshal to appoint anyone whom he might choose as his assistant, and accept his statement as to an offence having been committed? As regarded the character of the jurisdiction which a provost marshal was to have, and the rules under which he was to act, he could find nothing more definite in the clause than the words, "usages of war, and rules of the Service." Now, it was very difficult to find out what "the usages of war" were; indeed, no one could exactly tell. But there was a more important point still, to which he wished to direct the attention of the Committee. No mention was made in the clause of the character of the punishment which might be inflicted by a provost marshal. For anything he could see to the contrary, he would have power to hang a man by the neck, or torture him, or flog him, for any offence which he might see him commit. He should be glad to know, therefore, whether there was to be any definition of the punishment which might be inflicted by a provost marshal contained in the Bill, or whether there was to be any regulation made on the subject? He would not detain the Committee further, although there were several other points to which he should like to have referred. The right hon. and gallant Gentleman the Secretary of State for War would, he thought, find it impossible to induce the Committee to pass the clause in anything near its present shape; and he would again suggest the necessity which existed for supplementing the action of the provost marshal by some power enabling a tri-

bunal, in the nature of a drum-head court martial, consisting of two or three officers, to deal summarily with offences committed in the field.

MAJOR NOLAN thought that some of the objections which had been raised by the hon. Gentleman who had just sat down against the clause might be met by introducing into the Bill a provision that corporal punishment should be inflicted only by order of a general court martial. He had been ruled out of Order when, on Clause 44, relating to corporal punishment, he had endeavoured to deal with the point. Discussion on the subject had, he might add, been eluded by the Government time after time, and the Committee ought, he maintained, to insist on their placing their new clause on the Table without further delay; because, if the Secretary of State for War were allowed to go through the Bill, reserving clauses which raised difficult questions as it proceeded, the result would be that the flogging question would be postponed until the House was fagged and weary of the Bill, and that no adequate opportunity of discussing the proposals of the Government would be afforded. Hon. Members, who were opposed to giving the provost marshal the power of flogging, were placed at a very great disadvantage by the course which the Government intended to pursue. They would not know when the question was to come on for discussion, and would be unable to take council together, as they ought to have the opportunity of doing. He was rather in favour of the proposal of the Government, in the earlier part of the day, to postpone another important clause—Clause 69—which conferred the power on Her Majesty to make fresh Articles of War. That clause dealt with the whole question of the powers of procedure of courts martial, and was intimately connected with the question of drum-head courts martial, to which the attention of the Committee had just been directed by the hon. Member for Kirkcaldy (Sir George Campbell). But his principal object in rising was to point out to the Committee that it appeared to be the intention of the Government to pass a number of clauses of minor importance now, and to postpone the more important clauses to a later period, when they would, perhaps, try to push them through the House in one night. The

Sir George Campbell

Committee was not, in his opinion, being properly treated by the Government, who might, he thought, on the previous evening, have made up their minds to lay on the Table the new clause which they meant to propose. They might have announced what it was they intended to do; and he would now put a simple question to the Secretary of State for War. It was, whether he did or did not intend that flogging might be inflicted under the operation of the amended clause, without the intervention of a court martial? That was the practical situation in which the Committee was placed, so far as the question of flogging was concerned. With one important exception, such a case as that of a provost marshal inflicting capital punishment, had never come under his notice. No such punishment had, he believed, been inflicted within the last 50 or 60 years, at any rate, on a European soldier; although cases of the kind might have come under the notice of the hon. Member for Kirkcaldy (Sir George Campbell) during the Indian Mutiny, when, no doubt, a very large number of persons were executed; but whether by order of the provost marshal, or simply by the order of the commanding officer, he could not say. Putting aside the exceptional case of the Indian Mutiny, the real question before the Committee was, whether a provost marshal was to be entitled to inflict the punishment of flogging or not without the interference of a court martial? If that power was to be given to the provost marshal, the concession which had been made by the Government on the subject of flogging was of very little use. Indeed, for his own part, he did not attach much importance to that concession, and the reduction of the number of lashes to 25, except in so far as it served to show that the opinion of the House of Commons was against flogging our soldiers, and that it was determined to give effect to that opinion as far as possible. If the provost marshal could be prevented from inflicting corporal punishment without the sanction of some sort of court martial, then a great step would be gained. The matter was of vital importance to the future of the Army; and he hoped the right hon. and gallant Gentleman the Secretary of State for War would be able to give a satisfactory answer with respect to it.

COLONEL STANLEY said, that what he had already stated was the simple fact—namely, that the pressure of Business had prevented him from placing the amended clause on the Table. There had, in the previous week, been a long discussion, in which he was obliged to take part, on the Army Estimates, and on the succeeding days he had spent the greater portion of his time—except on Wednesday—in the House, trying to pass the present Bill through Committee. There were, besides, some three points on which he wished to take the opinion of persons whose advice would, he thought, be valuable, and he was anxious to have an opportunity of revising the clause. That was how the matter stood, and he hoped to be able to lay the amended clause on the Table of the House on Thursday. Under those circumstances, he should be glad if the Committee would assent to the postponement of the present clause; and he would leave them to judge of the merits of the new one when it was brought before them.

SIR ROBERT PEEL said, he did not think there was anything like an intention to obstruct the passing of the Bill on the part of several hon. Members who objected to the course which the Government proposed to take. There appeared to him to be great force in what had been said by the hon. and gallant Member for Galway (Major Nolan). Hon. Members had been brought down to the House that afternoon to discuss, among other clauses of the Bill, especially the very important one which it was now sought to postpone, and that without Notice. Now, as the hon. and gallant Gentleman had pointed out, the result of such a mode of proceeding would be that some of the most important questions involved in the Bill would be put off to a period of the Session when the attendance of Members was usually thin, and when they would not be likely to receive that consideration which their importance demanded. For his own part, he would venture to suggest, if he might do so without offending the hon. and learned Member for Oxford (Sir William Harcourt), the desirability of postponing the further consideration of the Bill itself. ["No, no!"] That might not be the view of those hon. Members who interrupted him; but it was quite clear

that the Bill was very unpopular. Nothing, he might add, could well be more painful than to see hon. and gallant Gentlemen squabbling, as they did the other day, over questions which had been raised in the course of the discussion of the measure by other hon. and gallant Gentlemen on some of its provisions. What must civilians think when they witnessed such a state of things? They could hardly avoid coming to the conclusion that the military Members of the House had themselves never read the Bill. He wished also to point out that a new Schedule of offences for which flogging might be inflicted, which the Government had promised should be laid on the Table, had never been produced. He could not help saying, in conclusion, that to discuss, in the month of June, matters which were of comparatively small importance, while questions of considerable importance were postponed, was a mode of proceeding which was hardly fair or just to those hon. Members who took an interest in the subject, and who had come down to the House that afternoon with the view of discussing a most important provision of the Bill, or hardly creditable to the Government.

SIR WILLIAM HARCOURT could assure the right hon. Baronet that nothing that he had said had offended him in the slightest degree. He, however, altogether objected to the jaunty way in which the right hon. Baronet, who had just come down to the House, proposed to postpone the consideration of the Bill.

SIR ROBERT PEEL said, that when he came down to the House the hon. and learned Gentleman himself was not in his place; for, although he had taken particular pains to ascertain whether the hon. and learned Gentleman was in the House, he could see him nowhere.

SIR WILLIAM HARCOURT said, he had gone into the Lobby, but only for a few minutes, on business; but he could assure the right hon. Baronet that, notwithstanding the great disadvantage of his absence, the Committee had passed 21 clauses on the previous evening. If, unfortunately, he were to absent himself again, they might pass 21 clauses more. But if the right hon. Baronet really desired to postpone the consideration of the Bill

altogether, he could not understand why he should be so indignant at the proposal to postpone a single clause. That was a proposal which, at all events, went, to some extent, in the direction which the right hon. Baronet seemed to desire. It was surely, therefore, entitled to some sympathy from him, although it did not go the whole length which he wished. But he would ask the right hon. Baronet, or any other Member of the Committee, whether he seriously meant to persist in going on with a clause which the Government proposed to postpone? It was obviously impossible to go on with it under those circumstances. A horse might be brought to the water, but it could not be made to drink; and it would not, he thought, be possible to compel the Government to proceed with the clause, if they wanted to postpone it. On the whole, the best thing, in his opinion, which the Committee could do, was to go on with the discussion of the next clause.

SIR ROBERT PEELE said, he wished to point out to the hon. and gallant Member for Oxford—[*Cries of "learned"*]
—well, the hon. and learned Member for Oxford, who must have an element of gallantry about him, from the position he had taken up in connection with the Bill—that the clause under discussion was not the only clause which had been postponed that afternoon. Clause 69 had also been postponed, a fact of which he was aware, although the hon. and learned Gentleman did not seem to be cognizant of it, owing to his being absent from the House.

MR. HOPWOOD, while admitting that the time of the Secretary of State for War was very much occupied in the House, said, he must enter his protest against that circumstance being taken as a sufficient excuse for the right hon. and gallant Gentleman not having fulfilled the pledges which had been given to the Committee. The fact was that the Government had put the Bill down on the Paper for discussion on every conceivable opportunity which offered itself, and hon. Members were kept in the House, early and late, for the purpose of making progress with it. If, however, a day were now and then allowed to intervene between the discussions in Committee, the Government would have time to consider the very important points which were raised, and

they would be better able to keep their promises. That was a course which, in his opinion, ought to be more agreeable to the right hon. and gallant Gentleman himself than to have to postpone clauses in the face of such remarks as the mode of proceeding adopted had called forth that afternoon. He, for one, had come down to the House prepared to discuss the clause. [*"Oh, oh!"*] Those voices, so far as he was aware, were very seldom raised in the discussions on the Bill with a view to its improvement. Indeed, scarcely any of those hon. Gentlemen who interrupted him had, he believed, been heard to speak in any articulate fashion throughout those discussions. He was not disposed, in any way, to offer a factious opposition to the proposals made by the Secretary of State for War; but he would urge upon him the propriety of not putting the Bill down day after day on the Notice Paper, unless he was prepared to give the Committee the information for which they asked, and with which he himself had admitted it was but reasonable they should be supplied. He would remind the right hon. and gallant Gentleman that he had not yet laid upon the Table the Schedule which he had promised to produce; but he could assure him, on the part of those who sat around him (Mr. Hopwood), that the spectre of flogging would haunt him to the last, unless he was prepared to lay it by proper and judicious concessions.

MR. MITCHELL HENRY said, the Committee were placed in this difficulty—that although the right hon. and gallant Gentleman the Secretary of State for War might lay his amended clause on the Table of the House on Thursday, it could not be discussed, except as a postponed clause, after the other clauses and the Schedules had been disposed of. The Committee was likely, he thought, to be somewhat deluded by the proposal of the right hon. and gallant Gentleman; for, in his opinion, the clause might as well have been postponed till next month, for there was not the least probability that the Bill would pass through during what remained of the month of June. There ought, he contended, to be no difficulty, on the part of the right hon. and gallant Gentleman, in stating whether it was his intention that the provost marshal should still retain the power of flogging?

Sir William Harcourt

He could only say, for himself, that when he supported the Government in their desire to retain the power of flogging in the Army in time of war, he believed the punishment to be one which could only be inflicted by order of a court martial, and was quite ignorant that it might be in the power of a non-commissioned officer, or a person in the position of a provost marshal, to flog anyone. It would appear, from what had been said by the hon. Member for Kirkcaldy (Sir George Campbell), who spoke with a long experience of India, that men were sometimes hanged by order of the provost marshal. [Sir GEORGE CAMPBELL: I said a provost marshal had the power to hang.] Surely, then, the Committee ought not to assent to the postponement of the clause until they were informed that the principle was accepted by the Government, that the provost marshal should be obliged to refer for consideration to a court martial before corporal punishment could be inflicted on an offender. If some such explanation were not given on the part of the Government, some hon. Member would, he hoped, move to report Progress. Indeed, if no other hon. Member did, he himself would be prepared to make that Motion.

MR. O'CONNOR POWER said, the hon. and learned Member for Oxford (Sir William Harcourt) had expressed the opinion that the Committee could not proceed with the discussion of the clause if the Government wished to postpone it. He would, however, respectfully point out that the clause was in the hands of the Committee; and it was monstrous, he maintained, to suppose that the Committee could not proceed with the Business before it, except by the favour, or with the consent, of the Government. That, however, was the proposition which the hon. and learned Gentleman appeared to have laid down, and it was one against which he (Mr. O'Connor Power) most strongly protested.

MR. O'DONNELL said, it was quite clear the Government had no justification for the course which they asked the Committee to adopt. They must have made up their minds as to whether they intended to give the provost marshal the power of inflicting corporal punishment or not. If they had made up their minds, they ought not to keep their

intentions with regard to the matter from the knowledge of the Committee. The Government knew very well that so long as a large portion of the Bill remained to be passed a certain amount of hindrance as to its progress remained in the hands of the Committee; and they wished, therefore, to dispose of all those clauses which were not of the very first importance, in order that they might be able, on some future occasion, by the fidelity of their supporters, to rush the important clauses through Committee, repeating, perhaps, that feat of strength and endurance which was displayed, a year or two ago, in the case of the South African Bill—a measure, he might observe, which had since produced such very uncomfortable consequences, even for the Members of the Government themselves. All those hon. Members who were opposed to the punishment of flogging had made up their minds that there was not the smallest reason why they should yield to the Government on that particular point. Public opinion was on their side; the Army was on their side; a majority of the Members of that House were, he believed, against flogging. Theirs, in short, was the popular view on the question, although there might be in the Army a few wretched flunkies in a regiment who, from a desire to curry favour with their officers, declared themselves as supporters of the present system. Every soldier, however, who was ready honestly to do his duty to his Queen and to his country, objected, in the strongest manner, to the degrading punishment of flogging. It was a question, too, in which the civil population of this country were greatly interested. The treatment of every camp-follower was a matter which was in the hands of the Committee at that very moment; and the Government must have received abundant information from their Friends who sat behind them that there was no question on which a verdict unfavourable to them was more likely to be pronounced by the country than the question of flogging. The country did not like flogging, even by court martial; and was thoroughly opposed to the infliction of corporal punishment by a provost marshal. The Government might say that they had not got official information on many points; indeed, he had never heard, nor had he supposed had

the oldest Member of that House ever heard, of a Government who appeared to be so constantly devoid of official information. But, although they might have no official information on the subject, they must be aware that flogging was going on right and left in South Africa; and although Lord Chelmsford might have informed them that he could not expect to conquer the enemy except by means of a well-flogged Army, those Members of the House who were opposed to flogging were determined that, so far as lay in their power, he should be compelled to resort to some other means. He had come down to the House that afternoon to oppose this flogging clause, and to hear what was the policy of the Government with regard to the matter; if, indeed, they had a policy. The clause was one of the most important in the Bill; and if it was postponed it was, in his opinion, absolutely necessary that the rest of the clauses should be postponed also. He had no hesitation in saying, no shame in telling the Government, that he should do everything in his power to oppose the passing of the remaining clauses if that under discussion was postponed, without some satisfactory explanation from the Government as to what their intentions were with regard to flogging. He perfectly well knew that the opportunity was a golden one for gaining favour with the public out-of-doors. He had had no such opportunity for a long time, and he was not, therefore, disposed to miss it. He should like to hear from his hon. Friend the Member for Galway (Mr. Mitchell Henry) whether he meant to persevere in his threatened opposition to the proposal for postponing the clause? If not, he himself should move that the Chairman be ordered to report Progress. But he felt satisfied his hon. Friend would carry out what he had declared to be his intention. The Irish Members were determined to prove the sympathy which they had with the soldier on so important a question as that of flogging; nor would they, out of any feeling of consideration for Her Majesty's Government, retreat for a single instant from the position on the question which they had taken up.

Mr. ASSHETON CROSS did not think the hon. Gentleman who had just sat down really meant all that he had said in the course of the remarks which

he had just addressed to the Committee. He did not suppose that the hon. Gentleman wished the impression to be conveyed out-of-doors that he intended to stop the progress of the Bill by every means in his power. As the clause under discussion now stood, considerable objection was raised to the power which it would confer on the provost marshal; and all that his right hon. and gallant Friend the Secretary of State for War proposed to do was to take back the clause to see whether it could not be amended, and presented again to the Committee in a form which would be more convenient and more acceptable to them. He could conceive no more proper course to adopt; and he would remind the Committee that, as the hon. and learned Member for Oxford (Sir William Harcourt) had very justly pointed out, it would be impossible for the Committee to discuss the clause satisfactorily if the Government were of opinion that it ought to be postponed. The hon. and learned Member did not mean to argue, as the hon. Member for Mayo (Mr. O'Connor Power) seemed to suppose, that the Committee could not, if they pleased, refuse to accede to the proposal to postpone the clause; but that they could not discuss it, with any prospect of coming to a reasonable decision upon it, when it was the wish of the Government that it should be brought up on a future occasion in an amended shape. The remaining clauses of the Bill would not be affected by the postponement of that which was before the Committee; and he hoped the Committee would set their face against the unusual course of attempting to prevent the Government from postponing a clause in a Bill which was a Government measure, and which they thought ought to be postponed.

Mr. RYLANDS said, that so far as he was concerned, he should not feel himself justified in refusing to permit the Government to postpone a clause which it was not, in their opinion, desirable that the Committee should at once proceed to discuss. He thought, however, the Committee had great reason to complain of the course which had been pursued by the Government on the present occasion. The clause which it was proposed to postpone was one of the most important clauses in a Bill which was itself the result of very se-

Mr. O'Donnell

rious deliberations, partly of a Select Committee, which was presided over by the hon. and learned Member for Oxford (Sir William Harcourt). The Bill was drawn by the Government draftsman, and put through some sort of War Office crucible, out of which this precious piece of legislation came in the form in which it had been presented to the House. Yet the Committee were told that afternoon that it was necessary to postpone one of the most important clauses of the Bill, because, notwithstanding all the preliminary manipulation to which it had been subjected, it required to be altered so that it might have some chance of being accepted by the Committee. The discussion, he might add, was satisfactory, at all events, in one respect—that it showed that the Government were alive to the fact that the clause needed amendment, and that a considerable change must be made in it before it was agreed to. As to Parliamentary practice, he could only say that he recollected very well that when the Ballot Bill was passing through the House, and when the Government of that day desired to postpone some of the clauses, hon. Gentlemen opposite, and even some right hon. Gentlemen who now occupied seats on the Treasury Bench, objected to that course being taken, with a view of obstructing the passing of the Bill. He had no wish to obstruct the passing of the present Bill; and, therefore, he would not vote against the postponement of the clause, although he thought it hardly fair to postpone it, under all the circumstances of the case. He hoped, he might add, that some of his hon. Friends near him would not carry out what they had announced to be their intention—to oppose the further progress of the Bill that afternoon, because to do so might result in involving the Committee in an unseemly struggle.

MR. OTWAY could not see that there was any valid objection to the postponement of the clause; but an appeal had been made to the Government which appeared to him to be of a most reasonable character, and to which they ought, he thought, to give a more satisfactory answer than he had yet heard. The Bill contained, in his opinion, a great deal that was good, and he had no desire to impede its progress through the House. It had, however, one

blemish, which several hon. Members had been endeavouring up to the present time, but not quite effectually, to remove. There was, at the same time, no good reason why they should not avail themselves of every legitimate opportunity to discuss the question of flogging; and it was only fair to ask the right hon. and gallant Gentleman the Secretary of State for War whether he had determined upon the principle on which flogging should be inflicted under the operation of the clause? As he understood the matter, those hon. Members who objected to the postponement of the clause would not be disposed to persevere in that course if the right hon. and gallant Gentleman would inform them that it was his intention that corporal punishment should not be inflicted except by order of a court martial. He understood the right hon. and gallant Gentleman to have declined to answer the appeal which had been made to him in that respect, on the ground that to do so might lead to discussion; but there would be no need for further discussion, if he would merely state the principle on which it was proposed that the new clause should be based. He hoped it was a misapprehension to suppose that the right hon. and gallant Gentleman's object in wishing to postpone the clause was in order that he might make more stringent still the rules relating to the infliction of corporal punishment. But so erroneous, he felt satisfied, was that supposition, that he was astonished the right hon. and gallant Gentleman had not seen the expediency, in his own interest, of responding to the appeal which had been made to him. He understood the hon. and gallant Member for Galway (Major Nolan) to have distinctly asked the right hon. and gallant Gentleman on what principle the new clause was to be founded?

COLONEL STANLEY thought that the appeal was a very fair one; but he must, at the same time, guard himself against being led into a discussion of a clause which was not before the Committee. Such a discussion would, in the first place, be out of Order; and would, in the second place, be highly inconvenient. The powers of the provost marshal were very unlimited; but he had, of course, proposed to limit them, to a great extent, by regulation. The discussions,

however, which had taken place in that House had satisfied him that it would be possible to print many things in the Bill itself which he had intended should be the subject of regulation. Without, then, absolutely doing away with the power to inflict corporal punishment under the operation of the clause, he would endeavour to introduce words into the clause preventing its infliction except for the most serious crimes; and a list of those he proposed, as he had promised the Committee the other day, to insert in a Schedule. He would define the circumstances under which corporal punishment might be inflicted, and would endeavour, in other ways, to restrict its application very considerably. He was unable to say more at the present moment. The time of the Committee would, he thought, be saved by postponing the clause, and by the production, in its stead, of a clause which would be more acceptable to them. When that clause was before the Committee, it would be for them to consider what modifications, if any, it required. He hoped the Committee would now allow the clause to be postponed without further debate.

Mr. MITCHELL HENRY said, that if the right hon. and gallant Gentleman had made, earlier in the discussion, some such explanation as that which he had just now offered to the Committee, he (Mr. Mitchell Henry) should not have so strongly objected to the postponement of the clause. He had been under the impression that the right hon. and gallant Gentleman was about to continue in the hands of the provost marshal the power of inflicting corporal punishment whenever he pleased; and if the right hon. and gallant Gentleman had only at once stated, in reply to the very humble appeals which had been made to him, that that was not his intention, much of the discussion might have been avoided, and much of the time of the Committee saved. It was in vain the Fowler spread the net in the sight of any bird; and hon. Members had so often been taken in by the postponement of clauses that they were not likely to fall into the same snare again. He was glad the right hon. and gallant Gentleman had said what he had just told the Committee, and he should offer no further opposition to the postponement of the clause.

Colonel Stanley

MAJOR NOLAN insisted upon the necessity of a correct record being kept of the punishments inflicted by the provost marshal.

Mr. O'DONNELL wished to say that, after the explanation of the right hon. and gallant Gentleman the Secretary of State for War, he would not persevere in his opposition to the postponement of the clause.

Mr. O'CONNOR POWER should offer no further objection to the postponement of the clause; but need hardly say that, had it not been for the explanation of the right hon. and gallant Gentleman the Secretary of State for War, he should have felt it his duty to move that the Chairman report Progress.

Clause, by leave, *postponed*.

PART II.

ENLISTMENT.

Period of Service.

Clause 73 (Period of Service).

Mr. CHARLEY moved, in page 40, line 32, to leave out "twelve," and insert "twenty." The hon. and learned Gentleman said, he was entirely opposed to the short-service system of Lord Cardwell, which had proved an utter failure. It had given us an Army of boys, instead of an Army of men. It was pitiable to read the accounts of these boys being matched against able-bodied Zulus. Before 1847, recruits might be enlisted for life—practically for 21 years. Various changes had been made since then. The object of his Amendment was to enable Her Majesty, if it were deemed desirable, to enlist men for 20, instead of only for 12 years. One result of the short-service system was that the raw material out of which non-commissioned officers were made was, at the present moment, very deficient in the Army. Boys, too, such as those who now enlisted in the Army, were very apt to run away to avoid punishment for petty offences, and desertion was prevalent. In those circumstances, it was, he thought, extremely desirable that there should be some inquiry as to whether it would not be desirable to return to the long-service system. The right hon. and gallant Gentleman the Secretary of State for War, who had charge of the Bill, had given Notice, a few days before, of the appointment of

a Committee to consider, among other things, if he understood rightly, the question of short service; and he rather inferred, from some observations made by the right hon. and gallant Gentleman on that occasion, that he, himself, was in favour of the short-service system. He was sorry that that should be so; but if the right hon. and gallant Gentleman would give him some assurance that the question of the expediency of a return to long service would receive adequate consideration from the Committee to which he alluded, he should not press his Amendment.

COLONEL STANLEY hoped the Committee would adhere to the word "twelve." He was in the position, at the present moment, that he could not discuss the question which was raised by the Amendment. There was an important Committee now sitting, who had that very question before them. That Committee was composed of men of very great experience and distinction, whose duty it was, unfettered by any prejudices in the matter, to examine seriously into the advantages and disadvantages of the various periods of service. He, therefore, could not agree to the Amendment, if for no other reason than because of the position which he occupied in that House, and because any opinion which he might express upon it might be represented, rightly or wrongly, as having an influence on the decision of that Committee on an important question which had been submitted to their consideration. He must, therefore, appeal to his hon. and learned Friend not to press the Amendment.

MR. CHARLEY said, he had no wish to press the Amendment, after the explanation of the right hon. and gallant Gentleman.

MAJOR NOLAN thought they were too much in the habit, in this country, of not paying sufficient attention to what was going on in the great Continental Armies in connection with the question which was raised by the Amendment. They, he would point out to the Committee, had gone entirely in the direction of short service. The error which they committed was, that when they got a boy of 18 or 19 who did not know his own value, who was picked out of the gutter, and who could not earn anything, to enter the Service, they imagined that he might be kept in the Army for a

great number of years, receiving only the same rate of pay as when he first joined it. That a boy enlisted at that age should be bound to remain in the Army for a period of 21 years on such terms was, he thought, a most unfair proposal. What would be said of a manufacturer who, having engaged such a boy for 6*d.* a-day, should refuse, five or six years after, when the value of his services had greatly increased, to give him higher wages, and who would keep him on in his employment for 20 years, still giving him the remuneration of only 6*d.* a-day? A soldier, he might add, after eight or ten years' service, might re-engage himself for nine years more, making a total of 21 years' service; and he entirely denied the accuracy of the hon. and learned Member for Salford's (Mr. Charley) view, that, in order to secure good non-commissioned officers, it was necessary to have recourse to enlistment for 20 years. On the Continent they did not pay their non-commissioned officer for remaining in the Service. In the German Army a man only remained three years in the Army, and then was put in the Reserve. It was quite useless for him to struggle with hon. Gentlemen opposite in endeavouring to express his views to the Committee, if they insisted on talking. He thought that men ought only to remain about four years in the Army, and four years more in the Reserve. What was wanted in the British Army was a better Reserve. If a man were enlisted for 20 years, it was quite obvious that by keeping him in the ranks for that period the Reserve suffered. Viscount Cardwell's system, if pushed to its legitimate conclusion, would produce an addition of 100,000 men to the Reserve. He wished to point out that Viscount Cardwell's system was not carried far enough, and to that fact was due the evils he had spoken of. All the evils at present existing were said to be owing to short service; but he thought that they were really owing to their not having followed the Continental system in one important point. When they introduced the short-service system they ought to have gone a step further. At present, they chiefly enlisted boys; whereas on the Continent they did not enlist under the age of 20 or 21. So long as the military authorities of this country insisted on enlisting at the age of 17 or 18, they would find the Army crowded with

boys; but that was not owing to the short-service system. The Army was crowded with boys, because they insisted on enlisting them instead of waiting until they were of a proper age. So long as they enlisted lads of 18 or 19, and kept them only three or four years, and did not allow any man under 20 to go out to India, so long would the Army in England be found to be crowded with boys. If they had too many boys, it was simply because they did not enlist at the proper age, and not because they were following the Continental system. In point of fact, they did not follow the Continental system, because on the Continent they enlisted at a proper and reasonable age. He must apologize for troubling the Committee at the length he had; but, owing to the very interesting conversation on the opposite side of the House, to which he had been compelled to listen, he had not been able to express his views as shortly as he could have wished.

MR. O'CONNOR POWER remarked, that if there were a disposition, as there appeared to be, on the part of hon. Members on the other side of the House not to discuss the Bill on that occasion, the proper thing to do would be to report Progress. The hon. and gallant Member for Galway had no desire to force his views upon the Committee; but he was glad that the hon. and gallant Gentleman had made the speech he had just delivered; because the right hon. and gallant Gentleman the Secretary of State for War, he was afraid, was inclined to yield to the suggestion of the hon. and learned Member for Salford (Mr. Charley), who had urged upon him a very re-actionary policy in respect to long service. He was entirely opposed to long service, and considered that 12 years was quite long enough. As had been pointed out by his hon. and gallant Friend, the reason why the Army was now crowded with boys was that they enlisted youths before they were old enough to enter the ranks of the Army. There was another very serious objection to the acceptance of the Amendment; for what did it amount to? It amounted to this—that they sought to force a man to remain in a Service which was disagreeable and irksome to him. A man might gain eight or nine years' experience of the Army, and then should be able to determine whether he would fol-

low it the whole of his life, or would retire. He thought that the change which had been made in the direction of short service was highly beneficial; and he trusted that no step in a contrary direction would be taken.

MR. O'DONNELL had expected that upon this clause they would have had some general and useful discussion by the military authorities of the House. The only reason which had been given them for postponing a previous clause was that they should be enabled to discuss it in a more full and perfect manner at another period. This was a clause of the first importance, concerning, as it did, in a most vital degree, the efficiency of the Army. It was, indeed, a matter of such importance that a Select Committee had been appointed to deal with it. He thought, therefore, that they might have expected that the Committee would have given as much aid as possible in its discussion. There had, however, been a very distinct impression, from the conduct of hon. Members opposite, that they wished this clause to be passed without any discussion. If the Government could not afford time to discuss a Bill of this magnitude, they should not have brought it in. Questions of the greatest moment were laid before the Committee; but if hon. Members presumed to discuss them, feelings of very great impatience were exhibited on the other side of the House. He must emphatically protest against the marked discourtesy exhibited by some supporters of the Government during the observations of the hon. and gallant Member for Galway. The hon. and learned Member for Salford (Mr. Charley) had urged upon the Government to do away with short service. It seemed to him that the right hon. and gallant Gentleman the Secretary of State for War might have pointed out, as the hon. and gallant Member for Galway had done, that short service was not responsible for the evils which were now complained of. The real evil was that the military authorities admitted boys into the ranks, instead of enlisting more hardy men. He believed that it was altogether a wrong principle to go upon, to enlist men for a service of 12 years, which was facetiously called short service. If the Government wished to introduce a more soldierly class in the Army, they ought to offer better inducements than at pre-

sent. When the Government asked men to enter for 12 years into the Army and Reserves, they ought to hold out some better prospect than they did at present. That prospect ought to be improved in two ways. There ought to be a better future for a man in the Army, and out of the Army. There ought to be a better prospect of promotion for soldiers in the Army, and old soldiers ought to have a better prospect in civil life when they left it. Committee after Committee had recommended that retired soldiers should have a better prospect of employment in the Civil Service opened to them; but these representations had been consistently disregarded. If the Government wished to find out why our soldiers were different from those of foreign countries, they would ascertain that they were given no superiority over other candidates for employment in the Civil Service after leaving the Army. Much good would be done if they made service in the Army a recommendation for after employment. There ought, also, to be more prospect of promotion for a deserving soldier than existed at present. It was a positive scandal, at present, the number of obstacles that were put in the way of promotion from the ranks of the Army. It ought to be the object of the Government, if they wished to make the Army popular, to give more facilities for obtaining promotion. Several hon. Members had received numerous letters from soldiers of long-standing, and also from such commissioned officers as quartermasters, complaining of the ridiculous character of the promotion now open to deserving soldiers. There was hardly a commissioned rank open to a deserving soldier but that of quartermaster, where he could get no rise at all, and was shelved for his natural life. It must be the wish of everyone to bring about a time when our Army would be able to compare itself with Continental Armies, and that could never be done until the same facilities were given with regard to the promotion of deserving soldiers as existed in Continental Armies. It was not only a case of justice to deserving soldiers, but many instances could be adduced to show they required more experienced men in the position of officers than they had at present. They would never have a due proportion of experienced men as offi-

cers, so long as they confined officers to the class obtaining first commissions. A much larger number of soldiers ought to be allowed to serve the Queen as commissioned officers than was now the case. The effect upon the Army would be very great if better prospects were open to the deserving soldier, both during his continuance in the Army and after his retirement.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 74 (Terms of original enlistment).

MAJOR NOLAN hoped that the 1st sub-section of this clause would not be that upon which enlistment was usually made, but that the 2nd sub-section would be usually acted upon. The distinction was this—they had now got into a totally different stratum of the Bill from what they had previously been considering. They had hitherto been discussing judicial questions; but now they came to consider questions of administration. He hoped that the right hon. and gallant Gentleman the Secretary of State for War would not yield to the pressure that had been brought to bear upon him from outside to induce him to enlist for a long period of service in the Army, but would enlist partly for service in the Army, and partly for service in the Reserve. A great deal of pressure had been put upon the Government to revert, wholly or in part, to the old long-service system. He believed that no greater mistake could be made than to do that. What they had to look to was the possible contingency of a great war; and, in that event, their chief dependence must be upon the Reserve. If the long-service system were reverted to, they would have no Reserve; and a great portion of the money which had been spent upon the Army would be absolutely wasted. Under the 1st sub-section of this clause the right hon. and gallant Gentleman the Secretary of State for War could enlist men for 12 years in the Army. He strongly hoped that the right hon. and gallant Gentleman would not revert to the old system, and take men only for service in the Army. He thought it necessary to tender this advice to the Government, as he found exactly the opposite was being given them from other quarters.

COLONEL STANLEY had no hesitation in answering the question which which had been put to him, and in stating that his opinion was in favour of service in the Reserve following short service. As to the precise term of service in the Army, that was another question. As regarded any alteration in the clause to which attention had been drawn, it was done with the view of removing any doubts under the existing Enlistment Act, and to meet the case of men extending their service to India. It was found inconvenient to send men to India with very short services. Some years ago the House passed a Resolution that a man under a certain age should not be sent to India. Great difficulty was sometimes experienced in filling up drafts for India; and the authorities there complained that the men sent were under too short a term of service. If the hon. and gallant Member for Galway would ask him a question on this subject at another time, he would then be able to show him how slight the effect of this clause would be in allowing a man to extend his period of service in the Army two years longer. At the same time, it had been held that the extension of two years' service would have a good practical effect upon the Army in India. The 1st sub-section was necessary for the purpose of meeting some cases. A man might enlist whom it was desirable to send at once into the Reserve. They did not want to enlist for the purpose of filling up the Army; but they only wanted some men who had gone through the Army, but had left it, to have a short service, perhaps, for half-a-year, in the Army, and then to pass into the Reserve. A power of that kind would meet the case of men who, for private reasons, had left the Army by buying themselves out, and wanted to return to it again. It was for reasons such as that, that it was desirable to allow the Secretary of State for War to alter the terms of services.

SIR GEORGE CAMPBELL rose to express his regret that the right hon. and gallant Gentleman the Secretary of State for War had committed himself to an opinion in favour of short service only while the subject was before a competent Commission.

COLONEL STANLEY said, he had expressed an opinion in favour of a short

term of service, followed by service in the Reserve.

SIR GEORGE CAMPBELL thought it should be recollected that our Army was not like a Continental Army, and that a very different state of things existed here to that on the Continent. It was absolutely necessary that there should be a very large number of men under long service in our Army, for the purpose of undertaking service in India and the Colonies.

MR. O'DONNELL was of opinion that it would be better if there was a distinct enlistment for service in India. He had consulted a good many Indian authorities; and he believed that the present system by which the Army was drafted for service in India resulted in injury to the Army and in enormously increasing the expenditure. The much cheaper and better plan would be to have a distinct enlistment for service in the Indian Army, or the institution of an Indian Army, such as had existed before the present system came into operation.

LORD ELCHO disclaimed any intention of acting discourteously to hon. Members; but he did not think they had any title to complain of not being listened to. The questions which had been discussed were very large ones, and he thought that the proper time to debate them was not upon this Bill, but rather upon the first Vote for the Reserves on the Army Estimates. Then was the proper time for going into these matters; and he should reserve what remarks he had to make upon the subject until that occasion. It seemed to him that the hon. and learned Member for Salford (Mr. Charley) had not chosen the proper time to introduce the question he had. He objected to its being supposed that everyone was bound to listen to hon. Members when they chose to address the House; and whenever he perceived that anything like obstruction was going on he simply talked to his Friends, in order to express his disapproval of the proceedings.

MAJOR O'BEIRNE suggested that the discussion of the clause should be postponed.

MR. O'DONNELL hoped note would be taken of the avowal which a distinguished supporter of the Government, who had just sat down, had made. He had avowed that when a political oppo-

Major Nolan

ment differed from him in the views he took of a certain Bill, and when he rose to express an opinion on the subject, he was to be prevented giving his opinion as to the opportuneness of the measure by ostentatiously loud remarks made on the opposite side of the House. He did not think a less worthy avowal had been made in Committee for a long time; and he only hoped that very few hon. Members on his side of the House would take that conduct as a pattern. He regretted to observe that there had been no apparent haste on the part of Members of the Government to disavow the conduct of their supporters. If that disavowal was not made, they must take it as an indication that the Government approved of loud conversation on private affairs as one of the legitimate forms of conducting the Business of the House.

SIR WILLIAM HARCOURT entirely agreed that this was not the proper place for the discussion of this point. The hon. and learned Member for Salford (Mr. Charley) had thrown the ball over to that side in order that it might be returned. These enlistment clauses were only put in as consolidation clauses; and, certainly, he was sorry to see them in this Bill at all. This Bill was called the Army Discipline and Regulation Bill; but it was, practically, two Bills. One part was a Discipline Bill, and the other part was a Regulation Bill. If they had not the enlistment clauses, they would get rid of half the clauses of this Bill. Were they to go into a long talk on these clauses, why there was hardly anything that could not be brought into a discussion on this Bill; and the House must come to some determination as to the ensuing clauses, whether they meant to discuss them in detail, and the whole question of the principles of enlistment in the British Army. If so, it was turning this Bill into a discussion on the Estimates.

LORD ELCHO said, he only wished to ask a question. Yesterday he asked the right hon. and gallant Gentleman, whether he would bring on the Army Estimates at such a time that his hon. Friends opposite could bring forward their Motions in going into Committee, rather than in Committee? His right hon. and gallant Friend did not hear his question distinctly, and did not give the answer which showed the spirit which animated him.

COLONEL MURE said, his object was to call attention to the state of the Army in Zululand, and not to raise the question of the condition of the Army generally. Since then, they were aware that a Committee had been appointed to inquire into this question; and it was at the suggestion not only of military men outside the House, but others inside the House, that he withdrew the Motion from the Paper. He had felt that it would not be convenient, perhaps unfair, to the Committee that there should be a discussion in that House. As to the question of enlistment, they were divided into two camps. His impression was that short service, as it at present existed, would not answer. It was felt that it would not be a good thing to go into the matter with a Committee about to sit on the question; and, above all, it would not be wise, with the Committee about to sit, to make this a Party question in a Party discussion. This was the reason why he withdrew the Amendment on the Paper. The noble Lord (Lord Elcho) had pointed out that on the Estimates the question would arise; but that discussion would not be from his (Colonel Mure's) initiative. When raised, however, it would be difficult for a military man to refrain from entering into it; but he hoped there would be no Party feeling introduced into this discussion. He sincerely hoped the Committee would consider the question on its merits, and not allow itself to be influenced by any partiality for Viscount Cardwell's scheme, or against it.

COLONEL STANLEY joined with his hon. and gallant Friend who had just spoken in expressing a sincere hope that anything as regarded the Army would not be made a question of Party politics. He hoped, whatever their views, they would all work with one common object. There might be a divergence of view; but he hoped they could reconcile that with full Party allegiance. With regard to the question of the noble Lord (Lord Elcho), he must apologize for not having answered it. He had not been able, owing to the indisposition of the Chancellor of the Exchequer, to communicate with him in order to ascertain the date when the Estimates would be taken. As regarded the question of enlistment, of course, there was a great deal that might be urged why it should not form part of this Bill. For

his own part, he found it better to deal with the whole subject, and endeavour to consolidate the existing regulations. He quite agreed with his hon. and learned Friend opposite (Sir William Harcourt), that it was inconvenient here to discuss all the vexed questions which might be involved; but after the explanation he had given to the Committee he hoped hon. Members would be induced now to proceed with the consideration of the other clauses; and he did not think they would find any matter which would cause any serious amount of discussion.

SIR ALEXANDER GORDON reminded the Committee that they were about to pass a permanent Act; and he thought, if ever they were to discuss it, now was the time. He entirely disagreed with the noble Lord (Lord Elcho) that the proper time to discuss this question was on the Army Estimates. They could not alter the Act in a discussion on the Estimates. In the Estimates there was simply a long talk, and nothing came of it, unless they refused the Estimates, which he did not think the noble Lord contemplated. They would have no other opportunity but this until the Continuance Act came into operation. He hoped the enlistment clauses would be withdrawn from the Bill.

MR. O'CONNOR POWER thought, after the statement of the hon. and learned Member for Oxford (Sir William Harcourt), the Government would act wisely in withdrawing the enlistment clauses from the Bill altogether. There were sufficient difficulties in the way of the passage of the Bill without loading it with irrelevant matter. They were told by the noble Lord opposite that they must not discuss this matter now, and that they must wait until they came to the Estimates. He remembered that they had the Army Estimates on a short time ago, and they were told that it was useless to raise questions on the Estimates, as they could not give effect to their opinions by legislation. It was said, within the last few days, that it was a waste of the time of the House to discuss this important question on the Army Estimates. They then came to the Bill, where they had the only chance of affecting legislation, and then they were told, coolly, "Wait until you come to the Estimates." This was playing fast and loose. The course which the

Government was pursuing did not seem to him to meet with the approval of any large portion of the House of Commons. That was unfortunate for the Government; but the fact was, they were making no progress at all. They were travelling in a vicious circle, in which there was a good deal of useless talk. He specially referred to the contributions to the debate made by hon. Members on the Ministerial side of the House. What was to be done? Expunge from the Bill all immaterial matter. Do not persist in dragging into the Bill things which did not belong to it. He would appeal to the Secretary of State for War, considering what had fallen from the hon. and learned Member for Oxford, to expunge from the Bill the enlistment clauses.

MAJOR NOLAN said, short service would always be approved by the democracy, and long service by the aristocracy. The reasons were obvious; and there was no use ignoring the tendency. When they were asked—"Why do you enlist boys?" they were told that they could not get men for the money. That was quite true. They did not pay the soldier near so well as the agricultural labourer was paid in the Northern half of England. Taking Mr. Caird's figures, the labourer was paid 18s. and 19s. a-week; whereas, making all allowances, the soldier received 15s. 6d. a-week. That was at the root of the short service.

Clause agreed to.

Clause 75 (Change of conditions of service).

SIR GEORGE CAMPBELL said, he had an Amendment to insert words after line 5. He was sorry he had not given Notice of the Amendment, which might do good, and could not do any harm. It seemed to him that while the Secretary of State for War might make regulations by which long-service men might be made short-service men, and go into the Reserve, the case might arise in which, with the consent of themselves, the short-service men might be made long-service men. It might be found that men, after one or two years in the Army, liking the Profession, would be willing to re-enlist for a longer term, and to take service in India and distant parts of the world. He, therefore, proposed to insert the words—"To extend

Colonel Stanley

the term of his original enlistment up to the period of 12 years." He hoped the right hon. and gallant Gentleman would favourably consider this.

COLONEL STANLEY: I have no objection to the words—to the power being given. The principle exists under certain circumstances now.

Amendment agreed to.

SIR GEORGE CAMPBELL moved the further addition to the clause at the end of line 7, of the words "or any period of time not exceeding 12 years on the whole."

Amendment negatived.

Clause, as amended, *agreed to.*

Clause 76 (Reckoning and forfeiture of service).

MAJOR NOLAN said, the two systems of counting service in the Army—one reckoning for discharge, and the other towards pension—were very bad. This way of reckoning had no effect upon the men, but gave endless trouble to the officers and their clerks; and he believed that an officer had stated that, by the adoption of a uniform system, the services of, at least, a dozen clerks could be dispensed with at Woolwich. He intended to move the insertion of the words, after line 14—

"Any man absent without leave more than five days shall have those deducted from his service towards pension."

COLONEL STANLEY hoped the Amendment would not be pressed. The pensions were matters that were dealt with partly under the Estimates laid upon the Table of the House and partly under Royal Warrant, and it appeared to him wrong to insert the words proposed, inasmuch as the Bill, as drafted, did not include anything relating to them. At the same time, he quite agreed with the object of the hon. and gallant Member, and would communicate with the Financial Secretary to see whether the suggested improvement could not be made under the Royal Warrant.

MAJOR NOLAN begged to withdraw his Amendment. The question of the documentary system was one which could be settled by the Secretary of State for War alone. At present, the system was in an exceedingly bad state, giving endless trouble and labour; but, at the same time, it could be easily simplified.

Amendment, by leave, withdrawn.

MR. O'DONNELL said, the clause provided that a soldier's service should reckon from the time of attestation; but it went on to say that the whole of his prior service should be forfeited if he was convicted of desertion, fraudulent enlistment, and certain other offences. This clause was a very vindictive one, and would lead to the aggravation of any punishment which might fall upon a person guilty of any of the offences named. Let a deserter be punished by all means; but let his punishment be adequate to his offence. But when a man had been convicted and punished for any of the offences in question, it must be regarded as a great aggravation of punishment that all his prior service should be forfeited into the bargain. He, therefore, moved the omission of all the words of the clause from "but," in line 16, inclusive.

COLONEL STANLEY said, the clause was, no doubt, an alteration from the existing law, and had been made more severe, for the crimes were such that could be committed on a man's own responsibility; nobody could force a man to desert, that must be entirely at his own option. The crimes named in the section were the cause not only of great loss to the Service, but also to the State; and, therefore, considering how great a blot upon the Service were desertion and fraudulent enlistment, he hoped the Committee would agree with him in thinking that they should be punished by the forfeiture of previous service. He did not wish to tell the Committee that this was not more severe than the present practice. A man did not forfeit service for any absence or imprisonment; but if he was convicted of these particularly serious offences, he would forfeit his former service. He hoped the Committee would accept the clause as it stood.

COLONEL COLTHURST thought the change proposed by the Government in respect of these crimes a very good one, and likely to be of great advantage to the Service. It would, amongst other advantages, enable a court martial to give less imprisonment. Everyone knew that the well-conducted men formed the great majority of the Army; and it would be a great advantage if the comparatively small number of ill-conducted and irregular men in the Army could be punished in a way which did not affect the well-conducted soldiers. He had

known the authorities over and over again, as they had power to do, restore a man's service after five years' good behaviour. The inconvenience pointed out by the hon. and gallant Member for Galway (Major Nolan), with regard to the two systems of reckoning service towards discharge and pension, was nothing to the complication caused, under the present system, of forfeiture of service. He thought the change proposed by the clause should be accepted.

MR. HOPWOOD thought that if Her Majesty's Government relied upon severity of punishment for the repression of the offences in question, they would rely upon a broken reed. He could not agree that a man should forfeit all his prior service besides the punishment awarded for the offences by court martial. A man of 12 years' service might be taken prisoner of war by want of due precaution; and thereupon, without leaving it to the court to decide, this Act of Parliament would require that the whole of that period of service should be forfeited. The Bill said "it shall be forfeited," and not even the Commander-in-Chief could set this aside. Further, the Act said the soldier should begin over again, and be liable to serve for the term of his original enlistment. Here, also, this was not ordered by court martial after due consideration, but rendered compulsory; while the justification of this course, it was said, was to be found in the number of entries which would be saved in the Regimental Books. He should support the Amendment of the hon. Member for Dungarvan (Mr. O'Donnell).

COLONEL ALEXANDER pointed out that in the case of a man who had, perhaps, lost 10 years' service, and then kept clear of the Regimental Defaulters' Book for five years, his commanding officer would at once recognize him as entitled to restoration as a matter of course.

SIR ARTHUR HAYTER said, that power of restoration did not appear in the Bill. He wanted some words to be inserted that would insure this benefit to the soldier; and it was highly desirable, if a new clause was proposed, that some provision should be introduced for good-service restoration. With regard to the sub-section relating to soldiers taken prisoners of war by want of due precaution, the observations of

the hon. and learned Member for Stockport (Mr. Hopwood) upon this point were very important; and he agreed with him that it was much too severe to make a man for such an offence necessarily and irretrievably lose the whole benefit of his former service, on conviction by court martial, who were only sworn to find out whether he was absent from the Service. He hoped that the words "by want of due precaution" would not be allowed to stand.

MAJOR O'BEIRNE said, that each deserter cost the country £35; and, in his opinion, under a system of short service, the punishment for desertion could not be too severe.

COLONEL COLTHURST explained, that he had supported this clause under the impression that the Bill contained powers for restoration of service; but he now was obliged to withdraw his support from the clause in its present form, because he found that the Bill contained no such powers. He agreed with the remarks of the hon. and learned Member for Stockport (Mr. Hopwood), that sub-section C was much too severe, and he (Colonel Colthurst) would say the same of sub-section D. His remarks were directed entirely to the good of the Service.

COLONEL STANLEY thought that there should, at all events, be power to restore service after a sufficient period of good conduct.

MR. O'DONNELL asked leave to withdraw his Amendment. He thought that the hon. and gallant Member for the County of Cork (Colonel Colthurst), having changed his opinions with regard to the clause, should also have withdrawn the imputations cast upon his Colleagues in his first speech, when he said that a number of Members were opposing this Bill in the interest of the ill-conducted soldiers of the Army. Of course, he had not meant to imply anything offensive, because it would have been quite out of keeping with his character to utter such a calumny upon any Members of the House. The efforts of hon. Members had been directed to the humanizing of this Bill, and to getting altogether a better class of men into the ranks of the Army, and he could not help thinking that the remarks of the hon. and gallant Member were exceedingly out of place; and he trusted that he would see the propriety of withdraw-

Colonel Colthurst

ing them in the presence of the Committee and of his constituents. At the same time, he was sure that the Committee would entirely repudiate the suggested imputation cast upon those hon. Members who were endeavouring to humanize the Bill.

COLONEL COLTHURST did not feel under any necessity of withdrawing the supposed imputations, because he did not intend to cast them. What he meant so convey was, that many hon. Members, in their laudable anxiety to prevent undue severity of punishment being applied to the ill-conducted and irregular soldier, had forgotten the interests of the well-conducted soldier. He was perfectly sure that neither his Colleagues nor constituents would accuse him of having intended to convey any other meaning.

MR. BIGGAR objected to the withdrawal of the Amendment. He considered there should rest some option with the court martial who tried a soldier for these offences. No doubt, desertion was a very grave crime; but the distinction between desertion and absence without leave must, in some cases, be extremely slight. He thought the court should have power to say whether or not all the punishments contained in the Bill should be inflicted for the offences in question. It was, in his opinion, very wrong to maintain a hard-and-fast line, and leave them no discretion in the matter.

MAJOR NOLAN said, there were many kinds of fraudulent enlistment. Of course, when a man took a second kit and bounty, that was a very serious form of the crime. But there were other classes of this crime for which he considered the punishment too heavy. For instance, was a boy of 17½ years of age, who enlisted as 18 years of age, on being found out a number of years afterwards when, perhaps, he had become a good and efficient soldier, to forfeit all his service? Again, would the clause apply only to men who enlisted after the passing of the Bill, or would men lose for desertion committed before?

COLONEL STANLEY said, the Act would not be retrospective in any degree, except in the case of a man who re-engaged.

SIR HENRY JAMES understood the clause to affect any soldiers whose time had to be reckoned after the passing

of the Act. He would be liable to have his time taken from him if he deserted at any time.

MR. O'DONNELL thought that fraudulent enlistment should be dealt with by itself; and as the Secretary of State for War had agreed to take out sub-sections C and D, he thought he might agree to leave out sub-section B also. This might be very easily done without disregarding the interests of the Service. The same thing should be done with the last part of the clause. He could then move that the whole period of a deserter's absence should be forfeited to him, and this would entirely do away with the aggravation which the present clause imposed. He maintained that boys, and men who had enlisted as boys, should not be punished with extreme severity for desertion. Moreover, the punishment of forfeiture of service, to which a deserter was liable, prevented men, who might otherwise be so disposed, to come back to their regiments; while he considered, on the other hand, that some gate should be left open to the deserter by which he could voluntarily re-enter. He, therefore, asked the right hon. and gallant Gentleman to take out the words "Fraudulent enlistment," and to allow desertion to be punished by itself.

COLONEL STANLEY could not agree to that proposal. He thought the Committee could hardly be aware of the extent to which this crime of fraudulent enlistment had been carried on. It had become the regular trade of men, perhaps never more than a week out of prison, and as such it must be stamped out. He hoped the Committee would allow the clause to pass.

MR. HOPWOOD said, the hands of the authorities were tied by these sections. The right hon. and gallant Gentleman kept his eye too much fixed upon the cases of men who enlisted fraudulently over and over again. But he should remember that there were other cases to be dealt with, which did not require such strong treatment as that proposed. He would suggest that Progress be reported, and that some Amendment should be added at the next discussion of the Bill.

COLONEL STANLEY said, it would be rather hard to do this at that moment; he had already given the assurance that certain words should be added, which

he hoped would be sufficient for making the clause more clear.

MR. RYLANDS could not consent to the passing of the clause; and urged upon the Secretary of State for War that he should put upon the Paper the addition which he intended to make to it. He thought the Committee should be told, on the next occasion, why it was that some portion of the Articles of War had been omitted from the Bill altogether, while others had been made more harsh?

MR. BIGGAR said, the right hon. and gallant Gentleman appeared to him to have entirely misapprehended the intention of the opponents of the clause. He (Colonel Stanley) had given the case of a soldier who enlisted and re-enlisted over and over again; but he appeared to forget that such a person, who spent all his time in gaol, would have nothing either for service or pension.

It being ten minutes before Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

PUBLIC LOANS REMISSION BILL.

Resolution [June 23] reported, and agreed to:—Bill ordered to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Sir HENRY SELWIN-IBRETON.

Bill presented, and read the first time. [Bill 218.]

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at ten minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 25th June, 1879.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—School Boards (Duration of Loans)* [219].

Second Reading—University Education (Ireland) [183], debate adjourned.

Third Reading—Consolidated Fund (No. 4)*, and passed.

Colonel Stanley

ORDER OF THE DAY.

UNIVERSITY EDUCATION (IRELAND) BILL.—[BILL 183.]

(*The O'Connor Don, Mr. Kavanagh, Mr. Shaw, Mr. Mitchell Henry, Lord Charles Beresford, Mr. Parnell.*)

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st May], "That the Bill be now read a second time."

And which Amendment was—

To leave out from the word "That" to the end of the Question, in order to add the words "while this House recognizes that the funds set free by the disestablishment of the Irish Church should be devoted to the benefit of the people of Ireland, provided they are not again applied to the support of any sectarian religion, it is not desirable to devote additional public funds to the further promotion of higher education in Ireland till adequate provision is first made for elementary teaching in that Country without aid from Imperial funds exceeding that given to other parts of the United Kingdom,"—(*Sir George Campbell*),

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. SYNAN: In rising to continue the adjourned debate upon this most important question, I may be allowed to call the attention of the House to the fact that we are obliged, by the refusal or the inability of Her Majesty's Government to give us a day, to debate this great question on a Wednesday; and we therefore appeal to the forbearance and the honour of the Members of this House who propose to speak to confine themselves to the principles of the Bill, which is the only question at this stage, and not to countenance any attempt to prevent a Division or talk the matter out. There is another preliminary question which I feel it my duty to make an observation upon, in order to give it an answer that I hope may be satisfactory and final. It has been made a subject of complaint by some of the Press of this country that we, the Irish Catholic Members, have not produced any declaration from our Bishops that they accept this Bill as a settlement of this question. I will not question the right to ask the

question, nor the spirit in which it is asked—whether to discredit and prejudice the cause of the Catholic laity of Ireland by introducing the names of the Roman Catholic hierarchy, or for a *bond fide* object of ascertaining our and their views. We consider this the question of the Catholic laity of Ireland. On their behalf we bring in this Bill, which is accepted by them as a settlement, and whatever they accept the Catholic hierarchy accept. That has been done in the case of the National Education, in the case of the Intermediate Education, and will be equally the case upon this great question, which we regard as the crowning of the edifice you have raised for the purposes of Irish education. As there was no opportunity of answering the objections made to the second reading of this Bill on the last Wednesday, it becomes my duty now to answer them briefly; and if I do so conclusively, I hope that course may be the shortest and the most satisfactory. My hon. Friend the Member for Kirkcaldy (Sir George Campbell) will excuse me if I pass by his irrelevant Resolution on the subject of Irish primary education. Having India and Egypt on his hands, he cannot be expected to have time to devote to this question; but in order to satisfy my hon. Friend, I make this offer to him on the part of the Irish Members. If he will give us facilities in passing this Bill, we will give him facilities in discussing his Resolution at the proper time. My hon. Friend the Member for Edinburgh (Mr. M'Laren) would do well to vote for the second reading, in order that he may have an opportunity of repeating in Committee the speech he has delivered. If he does so, I undertake to answer him in Committee, and show him that he is completely mistaken as to the details of the Bill, and to prove to him that the University under this Bill will be one to which he can send his grandchildren, as his ancestors, ten centuries ago and earlier, did to the Irish Colleges of that day. I now come to the speech of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), which has been considered by our opponents, but particularly by his Friends at the other side of the House, a complete answer, and an unanswerable argument against the second reading. I hope I shall satisfy the House that it is an argument in favour of the second

reading. The noble Lord, from his University standing, family connection with Ireland, and knowledge of her affairs, must be taken as an authority upon this subject; and, therefore, any conclusion that can be fairly drawn from his speech in favour of this Bill must have great weight with the House. The noble Lord began by admitting that Irish Catholics had a grievance upon this subject—I hope he has converted his Friends to that view—and that the House ought to apply a remedy to the grievance. The noble Lord said — “Trinity College is practically the College of the Protestant Episcopalians; the Queen’s Colleges are the Colleges of the Secularists. The Catholics should have a College of their own, affiliated to the Queen’s University.” Shade of Rip Van Winkle! has the noble Lord been asleep all these years? Was not his remedy that of the Bill of 1873? The noble Lord says he was not asleep—he was wide awake, and he admits that he helped to kill and bury the Bill of 1873. Is it worthy of the noble Lord to go to the grave of that Bill and dig up its dusty remains in order to defeat the present Bill? Is the noble Lord a worker of political miracles? He is ambitious; he is able; but surely he does not hope to vivify the dry bones of the Bill of 1873? Why, then, this argument? If the noble Lord’s character was not above such a suspicion, I would say it was merely to defeat the Bill; but, being what he is—and from his political connections and associations likely to occupy the Treasury at some future time—I have come to the conclusion that he wishes to keep this question open until he is able to be a party in the settlement of it, and likely to acquire the honour that may arise from settling it. Whether he expects to convert my hon. Friend the Member for Merthyr (Mr. Richard), and my hon. Friend the Member for Liskeard (Mr. Courtney), and to take them to the Treasury Bench with him to settle it, I will not say; but it is well to be hopeful of conversion. The noble Lord had a word, also, to say upon the question of endowment. He knew—nobody knew better—that the Irish people were too poor to endow a University, although they have out of their poverty subscribed £200,000 to build a Catholic College, for which they asked a charter and were

refused; but the noble Lord endowed it for them out of the property of the rich English converts. The millionaires of Manchester, said the noble Lord, have endowed a College and asked for a charter; let the millionaire Catholic converts endow the Irish University. The noble converts, to whom the noble Lord refers, stand as high in the ranks of the English aristocracy as the highest; their abilities, their virtues, their bounty to the charities of the country, their profuse gifts in the cause of education and religion, require no panegyric from me—they speak for themselves. But, greatly as we admire them, we do not ask them, nor would we allow them, to endow our University. Ireland is rich enough, and able enough, to endow it, if you allow her, out of her own funds. But does the noble Lord see the consequences of his own argument? The rich aristocracy endow their own Universities. This is admirable doctrine; but I will venture to say that it will not be used except against this Irish Bill. There is a common saying that any stick is good enough to beat a dog with. Now, I ask, what is the conclusion to be drawn from this speech? The grievance is admitted; the remedy proposed by him has been rejected. The endowment proposed is a joke. What greater argument in favour of this Bill than the *non possumus* speech of the noble Lord. To be consistent, the noble Lord should follow his speech, and vote for this Bill. I will now refer briefly to the speeches at the other side of the House. My hon. and learned Friend the Member for Trinity College (Mr. Plunket) was sent up as the pilot balloon on this occasion. He drifted with each current—now at one side, now at the other. He had nothing to say for the Bill, and not much against it; but the little he did say was an exaggeration and a mistake. Full of the millions given to the Irish Church, he quadrupled the figures in this Bill. He turned twenties into hundreds, and conditional endowments into certain ones. He followed the endowments of the Irish Church and of Trinity College. I hope he will be as good as his word in Committee. All he wanted was that Trinity College was safe. If I were in the place of my hon. and learned Friend I would vote for the Bill to make Trinity College safe, and, in my opinion, he will

do the same. Now, come to the speech of the day—that of the Chancellor of the Exchequer. Some of my Friends look upon that speech as unfavourable. I took the opposite view. The right hon. Gentleman, in his usual conciliating manner, did not oppose the Bill, but made objections with a view to being answered and obtaining assurances. I think I am in a position to answer the objections and give the assurances. He states that the sum in this Bill was £500,000 more than in the Act of last year. I admit the fact, and need not inform the right hon. Gentleman that that is a subject for Committee. He then objected that there were no rival institutions in the case of the schools under the Intermediate Education Act. The Chief Secretary might have informed him there were; there were the Endowed Schools, the Royal Schools, the Erasmus Smith Schools; and the Act of last year protected the new candidates for prizes from unequal competition. The Home Secretary, if favourable to this Bill, might answer, in his quick, legal, incisive manner, the case runs all fours with the case of last year. The right hon. Gentleman then objected that he saw no Conscience Clause in this Bill, and he wanted assurances on that head. Certainly, on the part of my hon. Friend the Member for Roscommon (the O'Connor Don), I give the assurance. My hon. Friend was of opinion that it was not his part to introduce such a clause—that it should come from the Government. A Conscience Clause objected to by Irish Catholic Members in this House! That would be a practical contradiction. Our *raison d'être* here is a Conscience Clause. Our whole history from the Union to the present time is one long Conscience Clause. In the cause of conscience we won Emancipation; in the cause of conscience we won back our National schools to save our children from violation of conscience. In the cause of conscience we got the Intermediate Act of last year; and in the same cause we now bring in this Bill. The right hon. Gentleman then came to his last and apparently weightiest objection—that this Bill excluded Parliamentary control over the endowment, and that it was a very strong proposal to vest this sum in the Senate under this Bill. I admit that; but must remind the right hon. Gentleman that my hon. Friend an-

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anticipated that objection, and left it altogether to the Government and the House. By all means let it be on the Estimates, if the Government so wishes. The right hon. Gentleman has evidently a voracious appetite for Estimates. I do not know if the appetite of the Secretary to the Treasury is equally keen. We have no fear on that subject as long as my hon. Friend the Member for Meath (Mr. Parnell) takes his part as watchman below the Gangway. I think I have now exhausted the objections made to this Bill, and I ask any unprejudiced Member in the House, has there been one single objection made to the principle of this Bill? I admit that objections have been made to some of the details; but I implore the House to reserve them for Committee. I was, however, near forgetting one hon. Member, the Member for North Warwickshire (Mr. Newdegate). The Cassandra of the Tory Party rose from his mountain, and, in solemn tones, warned the Government to beware. He pointed to the Christian Brothers' Schools in Mallow; informed us that they were a branch of the Jesuits; that both were in rebellion against the Bishops; and that he has it on the best authority that the Bishops appealed to the Pope in vain. Here is a pretty quarrel. Here is an extraordinary junction—the Pope and the hon. Member for North Warwickshire. What do the planets say? No wonder the weather is bad and the farmers in their present condition. But what has this to say to the Bill? Everything. The Jesuits want this Bill to blow up the Bishops. But my hon. Friend the Member for Merthyr (Mr. Richard) has told us, at the meeting of himself and the Members for Calne and Liskeard, that my hon. Friend has brought in this Bill for the Bishops; that my hon. Friend, with all his mild looks, is a wolf in sheep's clothing. He is going to eat up all the Irish Nonconformist lambs. The force of folly, and prejudice, and contradiction, cannot go further than this. I cannot deal with such a subject in a serious manner, and must only appeal to Horace's defence of himself in similar circumstances—

*"Quamquam videntem dicere verum,
Quid vetat"*

If I were dealing with opponents who agreed in their opinions and in their objections to this Bill, I have made out a conclusive case for this Bill; but, unfor-

tunately, the adversaries of the Bill assume as many shapes as Proteus himself. The grievance is admitted by the noble Lord who leads the opposition to this Bill. Will the Members for Liskeard and Merthyr admit it? If not, how do they happen to hunt with the noble Lord? Do they only use him as an ornamental performer?

"Quo teneam vultus mutantem Protea nodo."

It is objected—first, that there is no Catholic population in Ireland from which a University could be supported. It is said—"The Papists are only a parcel of bog-trotters. There are 4,500,000 of them, it is true; but what pretensions can they have to University Education." That allegation is made in open defiance of the Returns on the Table of the House. I hold in my hand the Declaration of the Catholic laity in favour of the Bill, signed by 8 Peers, 3 right honourables, 392 Justices of the Peace, 6 baronets, 3 knights, 36 Members of Parliament, 41 deputy lieutenants, 12 Queen's counsels, 2 LL.D.'s, 25 A.M. and A.B.'s, 200 doctors, barristers, and solicitors, 200 merchants, 200 Poor Law guardians, 100 mayors and town councillors; in all, 1,230 of the very class from which University students are likely, nay certain, to come. Previous to the Intermediate Act, there were 1,500 Catholic students each year in voluntary intermediate schools. Under that Act there are 4,000 candidates for examination. Of these, 3,000 are certain to be Catholic. How many of these in Trinity College and Queen's Colleges? In Trinity College, 75 out of 1,200 students; Belfast, 5 out of 463 students; Cork, 133 out of 261; Galway, 73 out of 175—that is, out of 1,500 that ought to be students, you have 300; out of 3,000 that you will have, you are not likely to have more, unless you give them a University. The hon. Member for Hackney (Mr. Fawcett), a few years ago, said—

"Throw open Trinity College and the Roman Catholics will flock into it. There are already two or three waiting for Fellowships."

But the fact is, the millennium so much desired by the hon. Member for Merthyr will arrive before any such result as the hon. Member for Hackney desired will be attained. Take it, now, in relation to population. In Ulster the Catholic population is as 60 per cent of the whole. What is the number of Catholics in Bel-

fast College? Five? The 18 Professors in that College are all Protestant, mostly Presbyterian. There is a Divinity School. Belfast College is practically a Presbyterian College. No wonder they wish to keep things as they are. Take, now, the question in relation to the Catholic population of Ireland. The Catholics of Ireland are 4,150,867 out of 5,500,000, and they have only 300 University students, out of 2,100—that is, the proportion of Catholic population is 7 to 1, and the proportion of Catholic students is 1 to 7. The grievance is so great, and the injustice so monstrous, that the great Liberal statesman who tried in vain to apply a remedy has expressed himself in his usual strong and eloquent manner on the subject. The right hon. Member for Greenwich (Mr. Gladstone) said—

“It comes to this—that there are still in Ireland civil disabilities on account of religious opinions. There is not a single educational institution in Ireland in harmony with the religious sentiments or with the feelings of the great majority of the people.”

I do not know whether that opinion is to have some weight with the right hon. Gentleman's followers, or whether we have come to a time in the history of the Liberal Party when the followers will not follow. Since that language was used, six years ago, the Intermediate Education Act of last year was passed, which has removed the inequality as far as Intermediate Education is concerned; but that very Act renders the present Bill or some similar measure absolutely necessary, for otherwise it would only increase the inequality with respect to University Education. But we are told the present Universities are open to them. That is the argument upon which the Church Establishment was supported. The churches were open to them; why not adopt the State religion? That was the argument upon which the Kildare Street Schools were supported. The difference is only in degree; but the Irish Catholic laity will not have the secular system which excludes all religious teaching. The exclusion of all religious teaching is the exclusion of Christianity in any definite or positive form, and is the parent of all the systems that have led on the Continent to Communism and Socialism. At all events, the Irish Catholic parent will not have it, and this Bill is brought in

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for the vindication of parental authority and the freedom of education. For 300 years the Irish have resisted the compulsory system of education that England endeavoured to impose upon her. She has emerged from the contest, after persecution and penal laws had been tried in vain to break her spirit, comparatively victorious, and in that career of history she will not be arrested until she reaches the goal and is crowned with the prize of free University Education. In matters of this kind you must consider the feelings, the religious sentiments, the genius, and habits of a people; you cannot apply the law of Procrustes to a nation. Laws must be made for the people, and not the people for the laws; and to act in any pedantic or absolute system, whether you be a Parliament or a tyrant, is to defeat the object you have in view, and render all law impossible of execution. The other day I came across some language of my hon. Friend the Member for Hackney (Mr. Fawcett), in relation to India, which, I think, he might well apply to Ireland and to education. My hon. Friend says—

“In considering questions of taxation, nothing can be more unwise than to conclude that that must be best which is most in accord with the principles of science. The tastes, the habits, the wishes of the people ought to be most carefully considered.”

That was Burke's opinion, both in relation to Ireland as well as India, and I offer the example of Burke for imitation to my hon. Friend in relation to Ireland on this question. This Bill, as far as the principle to be decided on the present occasion is concerned, is very simple, very concise, and very clear. It is this—Will you give to the Irish people a University where the competitors may obtain degrees in secular knowledge which is to be maintained by result fees and prizes to the best students upon secular subjects? Theology is expressly excluded, and no religious teaching is to be paid for. All the other parts of this Bill are matters of detail and for discussion in Committee, and are only introduced by the opponents of the Bill for discrediting and defeating it. What is the objection to such a Bill? It is this—that some of the Colleges in which these students are to be trained are superintended by ecclesiastics. The Colleges are selected by the parents; the teachers

are not to be paid for religious teaching, but, because they may and will teach religion, the Bill cannot be accepted. That objection applies to the denominational Colleges of England; it applies to the Act of 1870; it applies to the National system in Ireland; it applies to the Intermediate Education Act of last year. If it is resolved by this House that religious education must be expressly excluded, and, for that purpose, that ecclesiastics cannot be allowed to be at the heads of Colleges affiliated to Universities supported by the State, then you are bound in justice to repeal the Act of 1870, and put an end to denominational education in England. And this opposition is made in the name of civil and religious liberty. Oh, Liberty! what crimes are committed in thy name. This is the liberty that the Emperor Julian proclaimed, when he issued his decree against the teaching of Christianity in the schools. That decree concluded with these remarkable words—"For no restraint is laid on any young man as to the source from which he will seek education." So the opponents of this Bill declare to the young Catholic Irishman, Catholic Christian education is to be expressly excluded from all Colleges, so that no young Catholic Irishman may be prevented from getting degrees. The young Irish student may be a Deist, a Positivist, a Pantheist, an Atheist, and get degrees in a University endowed by result fees; but he cannot be a Catholic. Surely the Christianity and common sense of this House must revolt at such a doctrine as that. It appears to me that such an argument is an insult to our common Christianity. And by whom is this opposition supported? By persons who have no common bond of union, but who are at the opposite poles of the educational system. By Protestant denominationalists at the opposite side of the House, by secularists, and by opponents of denominational education at this side. And why? Because the Irish Catholics, who are now practically excluded from degrees, are to be the persons benefited. You have refused to give them a charter for their University—you have refused them affiliated Colleges. This is the only mode in which they can obtain degrees, and you resist it. And this unholy, unprincipled alliance is maintained against the Representatives of the Irish people, Pro-

testant and Catholic. Does not the House see that if you do this you practically repeal the Act of Union? If in a matter entirely Irish, and a fund belonging to the Irish people, you overwhelm the Irish representation by the weight of your numbers, the Irish people will see that the Act of Union is maintained by force. Canada is free, and has her free Universities, Catholic and Protestant; and Ireland is bound by the Act of Union, and will not be allowed to have a free University where a conscientious Catholic can get a degree. To reject this Bill is to tell the Irish people to bide their time and do as Canada has done. We present to you in this Bill a compromise which, I hope, the good sense and statesmanship still to be found in Parliament may induce you to accept as a settlement of this question. An outcry has been raised outside this House by interested parties against the Bill as the endowment of religion. That cry is false, and false to the knowledge of the people that make it. We are threatened by the organ of a small Party with ostracism if we persevere with this Bill. We support our principles, and despise the threat. If any attempt to break up the Liberal Party is made in this House or out of it, it will not be made by us. Our principles have been tried in the furnace of persecution and will stand the assault of faction, whether influenced by bigotry or hostility to Christian teaching. Let those who want to introduce into this country the educational principles which have led in other countries to Communism, and Socialism, and Revolution, take care and not break up the Liberal Party, of which they are a small and contemptible part. I am not afraid, as long as we have on the Opposition Bench a man true to the principles of Fox—the equal of Fox in eloquence and statesmanship, and the superior of Fox in devotion to the interests of England and of the human race. Six years ago the right hon. Member for Greenwich tried to settle this question, and risked power and place to do what he considered an act of justice and of true statesmanship. He failed; but I have that opinion of him that the remembrance of the conduct he then met with will not prevent him from supporting this Bill if he considers it contains the germs of a satisfactory arrangement; and I have equally no fear

that the Liberal Party will follow him, and not the organs and the howling of an ignorant, an exclusive, and an intolerant faction. I do not know what effect an appeal to the Protestant denominationalists on the other side may have, or whether they will remain true to their principles. But I beg to remind them that nine years ago the cause of Protestant denominationalism in this House hung in the balance, and the Irish Members were appealed to. Did we hang back? We owed you nothing—we had nothing to be grateful for—you were the persistent enemies of our country; but we forgot everything but our principles. We answered your appeal, went into the Lobby with you, and saved denominational education. Will you imitate that example this day? Will you be true to your principles, or, clinging to your prejudices, will you—but it is impossible; I will not insult you. I am sorry to see that the right hon. Gentleman the Chancellor of the Exchequer is absent, who, from his speech on the last occasion, I thought was favourable to the second reading of this Bill. Illness, I understand, has deprived us of his presence. I regret his absence, and I regret the cause; but that absence is ominous. However, we must take the consequences, come what may. And now, in conclusion, a word to the Government. Is this a Government I see before me, or is it only a number of individuals. If it is a Government, let it declare its policy, and let every individual Member of it go into the Lobby in favour of this Bill. If it is a Government, let it call upon that solid body of supporters which sit behind it, which has followed it even when it was wrong; let them now follow the Government when it is right. If they will not do this, the Government is without a policy, and an Irish policy is as important in the history of this country as an Eastern policy—aye, they will find it even more important. If, on the other hand, the Government make this appeal to their supporters, and if they follow them like loyal men to vote for the second reading of this Bill, they will do much to complete that edifice the foundation of which has been laid last Session, and thus they will send another message of peace to Ireland.

MR. MACARTNEY said, that as he was anxious the House should divide

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that afternoon on the Bill, he would not detain it long. The hon. Member who had just addressed the House had alluded to the exceedingly eloquent and able speech of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) when this Bill was last under discussion, and had stated that the noble Lord would have no objection to Roman Catholic Colleges being affiliated with the Universities; and, before that, the hon. Member had asked whether the noble Lord had forgotten what took place in 1873? None of them, he supposed, had forgotten what took place in that year; but the proposal to affiliate Roman Catholic Colleges with the Universities was rejected, because the Bill by which it was to be effected proposed to bring down the studies of the Universities to the level of the Colleges proposed to be affiliated. Some said there was, no doubt, a grievance; but he believed it was sentimental, and created by the highest authorities of the Roman Catholic Church in Ireland. They would not allow the members of their denomination, if they could help it, to attend Colleges which were not Roman Catholic, because they feared the effect of association with persons of a different faith. What would be thought if a town had a large supply of water of excellent quality open to all, and one portion of the community declined to go near it because persons of a different religion from theirs drank it! If the Belfast College was practically Presbyterian, it was because the Presbyterians took advantage of the education offered, and not because there was any interference with religion there; and he thought it would be found difficult to get any of the Roman Catholic students to say that his religious principles had been in any way tampered with. Those who attended the Colleges of Galway and Cork were equally free from any interference with their religion. Was any Roman Catholic who ever attended these Colleges since 1861, when they had come fully into use, able to say that there had been any attempt to influence his religious opinions; or could any person be pointed to who, while a student, was brought over from any one religion to any other? Before the principle proposed to be established by the Bill could be fairly brought before the House, it should be proved that the

Queen's Colleges were a failure on their own account, and not on account of the Roman Catholics declining to attend them, owing to the opposition of the heads of their Church. From 1861-2, they had gone on increasing, notwithstanding the opposition of the Roman Catholic clergy. In 1861-2, the number of students who entered was 310, and those attending numbered 758; in 1864, there were 288 entrances and 837 attendances, eight more than the average entrances in the University of Dublin for many years. In 1869, 1870, and 1871, there was a slight decrease; but there were in attendance 732 students; and last year and the year before the number was 898, the largest ever known, the entrances in the year being 321. The religion of the students was as follows:—In 1877-8, the number of Church of Ireland students was 221; Roman Catholics, 242; Presbyterians, 347; and other denominations, 88—making 898. The small number of Roman Catholics, in comparison with their proportion to the population, was to be accounted for, not only by the antipathy of the Roman Catholic clergy to the College, but also by the circumstance that the greater number of the University students were destined for the Church, and Roman Catholics had the Maynooth College, with large endowments out of the Disestablished Church. In 1845, there were 430 students at Maynooth, and it was difficult to get any statement of the number since then; but taking it at 300, which was 130 less than in 1845, the number of Roman Catholics receiving University Education in Ireland, including 150 attending Dublin University, would be brought up to 692 out of 1,606 of all denominations. They were told that the Bill was not connected with religion at all; but that was the very objection made by the Roman Catholics to the Queen's Colleges. They were said to be godless institutions. Would hon. Gentlemen opposite tell the House that they were proposing to establish another godless institution at a cost of £1,500,000, to stand side by side with the Queen's Colleges, to which Roman Catholic gentlemen would not send their sons? If the Bill came forward honestly and fairly, and with a plain face, he would know better how to meet it. If it had been proposed as a Bill to establish a Roman Catholic University which should

be exclusively open to Roman Catholic students, and which should be under the exclusive control of the Roman Catholic clergy, and managed from Rome, there would have been no difficulty in inquiring straightforwardly and honestly into a claim fairly and openly set up. The question was, whether it was just for such a purpose to take £1,500,000 out of a fund derived from the Disestablishment of a rival Church, which had been disestablished for the purpose of conciliating the Roman Catholics, in disregard of the feelings and sentiments of the Protestants of Ireland? When that was done the principle was laid down, and distinctly and universally accepted, that no part of the funds taken from the Church should be used for religious purposes, or any purpose that might possibly become matter for religious discussion; and, though this was not the same Parliament, he thought it was equally bound to maintain that decision. He did not wish to make use of irritating language; but he could not conceal from the House the great and strong feeling that was among the Protestants of Ireland against this measure. The hon. Member who last addressed the House spoke of the unanimous feeling of the Irish Members as being in favour of this Bill; but there were at least 33 of the Irish Members who belonged to the other side; and all that could be said was, that there were two to one of the Irish Members who were in its favour. He now came to the question of the constitution of the Governing Body of the proposed University. It was said by the promoters of the Bill—"We make a most fair proposal, because we leave it to the State to appoint the Governing Body, which shall consist of 24 members, with one Chancellor and a Vice Chancellor." The State, of course, meant the Lord Lieutenant of Ireland, and anybody who had the slightest knowledge of the manner in which appointments were made in Ireland would well know what was likely to take place. The Lord Lieutenant would be advised to appoint 12 Roman Catholics, a certain number of Episcopalians, and a certain number of Presbyterians. After a few years, when a constituency had grown up that could elect its own members, there would be six more elected by the graduates. The students of the new University, he supposed, would be Ro-

man Catholics. It was intended they should be. They, of course, could elect Roman Catholics, so that three-fourths of the Governing Body would ultimately be of the Romish persuasion; and he did not believe that anybody in the House would dispute that 18 out of 24 would not conduct everything in accordance with the dictates of their belief. If they did not do so, they would be acting in opposition to every tradition and idea which had been adopted by their co-religionists previously. That being the case, he concluded that it was intended—although it did not appear so on the surface—to be an exclusively denominational University. There were many Roman Catholic Colleges in Ireland managed entirely by the Prelates of the Roman Church, and if they were to be affiliated, and if the students proceeding from these Colleges were to form the constituency which was to elect the Governing Body, he thought he was not wrong in concluding that they would naturally elect those who had given them their education. He imagined, therefore, that before many years had elapsed this University would be exclusively a Roman Catholic institution, to which no Protestant would dream of sending his sons. What had been the tenour of the legislation of the past 50 years with regard to education? Why, it had been a constant opening of the Universities to persons of every denomination. The Dublin University was now perfectly open to men of all creeds. In fact, the only connecting link in the old association that prevailed was that the students belonging to the University, who happened to be members of the Church of Ireland, were required by the Fellows to attend Divine Service in the Chapel belonging to their own persuasion. Others were equally free as regarded matters of religion. Then, again, the Fellowships were open to the competition of all; and although the hon. Gentleman opposite sneered at the thought of a Roman Catholic being admitted a Fellow, he (Mr. Macartney) understood that if there had been a second vacancy at the last competition a Roman Catholic gentleman would have been elected who had been the second best answerer, and had run the successful candidate very close. To sum up the argument; if this was not to be a denominational institution, proposed to

be endowed by the State, contrary to the whole tenour of the legislation of the last 50 years, he asked what would be the use of establishing it? If it was to be a denominational institution, it would be repugnant to all the principles which had been advocated in Parliament for many years. He wished to add that if the hon. Member who had moved the first Amendment withdrew it, as he believed he proposed to do, he would himself be prepared to move the Amendment he had placed on the Paper.

MR. LYON PLAYFAIR: In one sense, I am in a different position from my political Friends on this Bench. The late Cabinet brought in a Bill to do justice to the Roman Catholics of Ireland in regard to University Education. They, therefore, must look favourably on any practical attempt to satisfy what they consider the just claims of Roman Catholics to receive higher education. But I opposed the Bill of the late Government, on two grounds—first, because it pulled to pieces an existing University system which was doing good work; and, second, because I thought it was constructed with too great submission to the ecclesiastical prejudices of the Irish hierarchy. This Bill avoids my first objection, because it leaves the Dublin University and the Queen's University to work in their own way, and to continue their salutary influences on University teaching and graduation; and my second objection does not appear to lie in the framework of the Bill, for it provides that the State, and not the Roman Catholic clergy, shall have full authority in the management of the new University. The initial question, however, must be considered—is there need of a third University in Ireland? The hon. Member for Tyrone (Mr. Macartney) says there is not. But there is one consideration which all will admit. When a country is poor in the natural resources for manufacturing industries, this disadvantage can only be compensated by improving the intellectual condition of her population, so that by increased intelligence applied to production they can compensate for the higher price of the raw materials of manufacture. Instances of this kind are seen in Holland and Switzerland, where manufactures flourish in the absence of coal, the source of power, and iron, the material for strength. In a

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less obvious degree it is seen in Scotland, which possesses these materials only in a narrow and confined district. Ireland is washed with an ocean communicating with all great producing countries, and if her population were adapted for manufacturing industry, there is no preponderating disadvantage which would prevent its development. She chiefly requires that all classes of her population should be so educated as to compensate for the natural poverty of the country by the superior intellectual productiveness of the people. Scotland has more or less obtained this result, not in the most scientific way, but after a rude fashion, through primary schools which teach secondary subjects, and through four Universities suited to the genius of the Scotch people; and Scotland, now with a population not much more than half that of Ireland, has double the number of University students. Why is that the case? We must admit the only conclusion which is legitimate—that the Roman Catholics, as a body, do not find the existing Irish Universities suitable to their wants. Personally, I deeply lament this fact, for I think it is a doleful thing that religions which aim to unite men in eternity should separate men in time, and prevent them growing up in a common brotherhood at the same schools and Colleges. I go further, and wonder that intelligent Roman Catholics do not conquer their prejudices, and insist, in spite of their priests, that they should use more largely than they do the Colleges of Belfast, Cork, and Galway, or the very tolerant Protestant Trinity College of Dublin. I do not at all admit that either the Queen's University or Trinity College has failed. The Queen's Colleges, on an average, have 31 per cent of Roman Catholic pupils, and Trinity College has also a considerable number. Both, taken together, have many more University students in proportion to the population than England. But I do not think this an argument against University extension in Ireland. It is fairer to compare a poor country like Ireland with Scotland. Both are countries with such a poor population that special facilities are required to enable their population to study at Universities; and here is the broad fact that while Ireland, with between 5,000,000 and 6,000,000 of people, has only about

2,000 University students, Scotland, with between 3,000,000 and 4,000,000, has more than double that number. Again, in Ireland, a country with 76 per cent Roman Catholics, the Protestant students are to the Catholics as four to one. The poverty of the Catholics is an obstacle, but not a bar, to University Education; and if the obstacle were made surmountable, as it is in Scotland, by a system of bursaries and Scholarships, we might expect a great development of University students, provided we make the University system suitable to their wants. At present, the learned Professions are most unequally represented in respect to religion in Ireland. Even as regards the clergy, the Roman Catholics have only one priest to 1,500 of the population, while the Protestants have one to about 500. In law, the Roman Catholics have one barrister to 21,000 of the population, and the Episcopalians one to 1,400. In medicine, the Roman Catholics have one physician to 4,600 of the population, the Episcopalians one in 500, and the Presbyterians one in 1,600. Hence it is clear that the learned Professions are not largely recruited from the existing Universities by Roman Catholics. Will this Bill enable them to have fair play in this respect? Now, I desire to obtain a fair hearing from my Roman Catholic Friends to my criticism of this Bill. They are inclined to think that every Scotch Member is their natural enemy. Above all, they must deem Scotch University Members to be in this category, for they have intimated the intention of attacking the Scotch Universities on the Estimates. Now, I desire to remove this idea. It is true that Scotland is as intensely Protestant as Ireland is intensely Roman Catholic. It is true, also, that I, individually, am thoroughly imbued with the Protestantism of my race. But, individually, my opinion is of little worth, for it is only as the exponent of nearly 6,000 Scotch graduates that I have a claim to be heard in this debate. Now, what has been their action in regard to this University Bill, which has excited keen hostility in many quarters? The remarkable fact is, that I have not received a single communication hostile to the Bill from either a constituent or from the Governing Bodies of the two Universities which I have the honour to represent. My interpretation of this is,

that they trust their Representative to discuss the Bill in its relation to the interests of higher education, but above the prejudices which are apt to influence popular constituencies. I know that my Universities would be glad if we could devise any measure which would provide higher secular education among Roman Catholics. They have no sympathy with the "No Popery" cry which has arisen in certain quarters against this Bill. Such a cry has little meaning, and vast insult to a country which has 76 per cent of Roman Catholics among its population; and I am quite sure that I would misrepresent the Liberal feelings of my Universities if I were to refuse fair consideration to any scheme for promoting higher education among Roman Catholics because it provided that their religious faith should be preserved during the acquisition of secular knowledge. The demand for a new University may be, and is, I think, based on purely conscientious and sentimental grounds; but do not conscience and sentiment lie very nearly at the roots of all religion? At all events, they have been strong enough to prevent the development of University Education among Irish Roman Catholics; and we ought not to imitate the Papal cry of *non possumus*, which Protestants so often condemn, by refusing fair consideration to a scheme because it joins secular education to securities for religious belief. The Bill is founded on two principles, which must be considered separately as well as in combination. The first principle is to stimulate education by paying students for the results of secular knowledge as attested in their graduating examinations. If the Bill stopped there we would have a University in Dublin on the principle of the London University, only vastly better endowed. There might be sectarian institutions attached, as there are in London University; but the State funds would have no direct payments to make to any person except the successful students. The second principle is to follow the student to his College, and pay that College for having taught him successfully. I assume this to mean that the promoters of the Bill see that a mere Examining Board is not a University in its fullest sense, and they want to cluster around it well-ordered Colleges for systematic teaching under a recognized

curriculum of study. Let me take the College of St. Stephen's Green as an example. Here we have a College chiefly under ecclesiastical management, but with Lay Professors for lay subjects, and professing instruction in arts and sciences, as well as in professions. According to the scheme, such a College would be richly paid by the Bill for successful secular results. To see the effect upon the College, let us assume that it gets annually 100 new students in arts, 50 new students in medicine, 30 in law, and 15 in engineering. Then, according to the scale of payments in the Bill, allowing one-fourth of the students to win honours and one-tenth of them exhibitions, St. Stephen's College might get about £17,000 per annum under the Bill. This, no doubt, would be a grand endowment for such a small number of pupils. But that is a detail. Let us look at the principle. Because this College is superintended by Roman Catholics, are you prepared to refuse any aid to a distinctly Lay College, supposed to be well ordered and well taught, when good secular education is attested by a Senate appointed by the State? No doubt, it might be wise to impose some conditions before giving aid, and to bargain for an infusion of lay management in the Governing Body. But are you prepared to deny aid to purely secular education because an institution is superintended in morals and discipline according to Roman Catholic views? I fear, then, that you may tell the Roman Catholics of Ireland at once that they must go on without facilities for their higher education, and that no more Irish University Bills will be considered by this House. I, for my part, am not prepared to refuse to well-ordered Lay Colleges in Catholic Ireland pecuniary aid for attested secular knowledge, simply because they are supervised by a Governing Body exclusively of Roman Catholics. But is this all that the Bill asks? Let me take another well-constituted College, with distinguished ecclesiastical Professors—in no sense a Lay College, but one for the training of the priesthood—I allude to Maynooth. Let us examine the possible application of the Bill to Maynooth under its two principles—the payment of students for attested secular knowledge, and the payment of the College for having taught them. In regard to Maynooth, for in-

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stance, I might approve the first principle and utterly reject the second principle. I beg the House to observe that there is not one word which would exclude Maynooth or other Theological Colleges from large endowments under the clauses of this Bill. By no practical process that we could devise could we, in such cases, separate secular from theological teaching in these priestly seminaries. If Maynooth, for instance, sent its pupils in tolerable numbers, like St. Stephen's Green, it might win some thousands a-year under the Bill. In such a case it would be useless to assert that we were not practically adding largely to the endowments of that already well endowed Theological College. I wish, again, to consider the two principles apart. I would not deny to any students coming from Maynooth the prizes which they might win in arts graduation simply because they were preparing for the priesthood. That would be to me a high recommendation. If we can enlarge the education of the priesthood in secular subjects, and bring it within the region of public education, so that the priest may become a cultivated citizen, I would rejoice in that result. But it is one thing to pay for the results of secular education in the form of prizes and Scholarships to the successful students, and another thing to pay large subventions to the strictly Theological Colleges teaching them, over which a University Senate could not possibly have control. Of course, payments to students may indirectly mean some sort of aid to the Colleges which teach them. But, in the one case, you have absolute security that you are paying for secular education; in the other, you are practically supporting Colleges which have a theological purpose. Of course, it may be argued that if we pay a theological student for taking a degree in arts, we do, in fact, give some degree of warmth to religion, which we desire to keep out in the cold. If I feed a sheep in order to produce mutton, some of the food, no doubt, goes to the wool which grows on its back; but my primary and main purpose is achieved notwithstanding this accident. If I am to starve the sheep because I cannot help part of the grass going into wool instead of mutton, I am unworthy of participation in the practical affairs of life. It is not such an accident that

would prevent me, as an opponent of concurrent endowment, from paying to students money prizes for secular results, whether the students were lay or clerical. It would be a vast gain if the close education of the Irish priests were opened up to the enlarging influences of modern knowledge and thought, and if their secular education became an object of national concern and a part of the common education of the people. If this can be done through result payments to students without endowing Theological Seminaries, I am very willing to do so. But I am not prepared to endow even mixed Seminaries when they are entirely beyond public control or supervision. A well-ordered Lay College, under the immediate supervision of the University Senate, might properly be aided; but Ecclesiastical Seminaries stand on a wholly different footing. I know my Catholic Friends in the House protest that that is not the object of the Bill. Yet, the Bill by its clauses carefully excludes Trinity College and Queen's College from any participation in its benefits; but its wording is wide enough to include Maynooth, the Diocesan Seminaries, and all the monastery schools of Ireland, and, in fact, any boarding-school with 20 pupils. There is no limit to the affiliated Colleges. If they are of a like kind to many of the affiliated Colleges of the London University, there would be very small guarantee indeed of their well-ordered fitness for Collegiate Education upon a type that would compare favourably with Trinity College or the Queen's Colleges of Belfast, Cork, and Galway. Putting aside the College of St. Stephen's Green, where are the Lay Collegiate institutions in Ireland? Do they exist, or have they to be created? There are 18 diocesan and other Catholic Colleges in Ireland. Some of them are almost wholly devoted to the training of future priests; but others are mixed, lay and clerical. Let me take three examples of Colleges which profess to prepare for the degrees of the University of London, and, therefore, may be considered as likely to come under this Bill. The best College is probably St. Patrick's, at Carlow. It has five clerical and ten lay Professors. St. Stanislaus, at Thurles, also professes to prepare for the London degrees. It has 15 clerical Professors, and two lay

Professors. Then there is St. Kieran's, at Kilkenny, which is connected with the London University by Royal Charter. It has nine clerical Professors, and five lay. Clongowes also prepares for London degrees, and I believe all its Professors are clerics. If we take the Protestant Magee College at Londonderry, as another College of the kind likely to be included, it has eight clerical Professors and two lay. Now, it may well be that a cleric is the best Professor you can have for a particular subject, but this would be an accident; while the rule of a preponderance of clerics in these institutions shows that religious teaching is of much more account than secular instruction. These Colleges are just now under the Intermediate Education Act, and as long as they continue to be so would be excluded from the Bill. But this Bill offers Collegiate prizes of such unparalleled magnificence that it would be their interest to affiliate themselves to the new University. Never in the history of the world was it proposed to start a perfectly new and untried University with such grand endowments. I should like to show how they would act. There are sectarian Colleges now affiliated to the London University. In fact, the very Irish Colleges likely to range themselves under the new St. Patrick's University, are actually in affiliation with London. But the London Alma Mater offer few inducements for affiliation except those resulting from the reputation of her degrees. There are a few open Scholarships; but, practically, no money is given to Colleges. Let us consider how the new University of St. Patrick's would work. I must make some assumption on which to base calculations. I assume, then, that the Roman Catholics, in return for their magnificent endowment, would think their University a failure unless it were as successful as Trinity College, Dublin, and drew together 300 fresh students in arts annually. I distribute 100 of these to the Central College in Dublin, and 200 to three provincial well-ordered Lay Colleges in the Provinces, to compare in efficiency with Cork, Belfast, and Galway Queen's Colleges. Of course, I am aware that the Bill speaks of a College with 20 students; but that is altogether so preposterous a limit for a well-ordered College to participate in great

endowments that I cannot be unreasonable in asking 70 new entries for the Roman Catholic Provincial Colleges of the future. Unless this was achieved, there would be no justification for the new University. These three Colleges would, under the Bill, for 200 first year passes—calculating honours at one-fourth, exhibitions one-tenth—for 187 second year students, 167 third year, and 133 fourth year students—these decrements being the result of experience—receive as result fees alone in the single Faculty of Arts a sum of £22,464, or, in round numbers, £7,500 each College. Well, with such splendid prospects, have not the most liberal-minded among us a right to ask securities under the Bill that these sums shall not be frittered away among Diocesan Seminaries of second or third-rate rank, partly engaged in lay and partly in clerical teaching, but that well-ordered lay Roman Catholic Colleges shall be created, and then be clustered around the new University of St. Patrick? But, under the Bill, there is not one line showing that such is the intention or that such will be the working of the measure. If such well-ordered Lay Colleges were established, instead of the present Diocesan Seminaries of Ireland, no doubt, lay students intending to enter the liberal Profession would largely use them in order to procure a basis of liberal culture for their professional training. I am glad that the promoters of this Bill have seen, though, perhaps, not with perfect clearness, that any University in a poor country must chiefly rely on professional degrees. England is, perhaps, the only country in Europe in which Arts' degrees form the chief part of University training. This is because the students belong chiefly to the wealthy classes. In Germany, Belgium, Holland, France, Scotland, and Ireland, the Universities must and do devote themselves largely to professional training, and depend mainly upon it. Take one Profession alone—that of medicine. Of medical licentiates, only 3 per cent come from the teaching Universities in England, 30 per cent from those of Ireland, and 36 per cent from those in Scotland. In Germany, nearly all the professional men pass through the Universities. The poorer the country, and the greater the struggle for existence, the more must

the Universities throw themselves upon professional training. The framers of the Bill have recognized this fact in their provision for professional degrees. They justly look at the Arts Faculty as a preparation before professional study is begun. But do not the promoters see in this wise recognition that their affiliated Colleges ought to be well-ordered Lay Colleges, embracing all the faculties, and that the Professors ought to be laymen, experienced and wholly devoted to the subjects which they teach? I know that Roman Catholics fear that while they gain knowledge they may lose faith. I, therefore, would give to their Colleges what securities were most agreeable to them for the preservation of faith and morals, provided these were not paid for by the State; but would make it a condition that the Colleges, with regard to secular instruction, were completely under the supervision of the University as to the curriculum of study, and as to the appointment of properly qualified Professors. I know that there are several of my hon. Friends in this House who would see even in such Colleges the cloven hoof of concurrent endowment; but, on the other hand, there are many who would gladly aid Roman Catholics to obtain a higher University Education, suitable to their wants, if they and their hierarchy would consent to give legislative assurances under this Bill that the affiliated Colleges are not to be Diocesan or Ecclesiastical Seminaries, but genuine well-ordered Lay Colleges partly under lay government and lay teaching. As the Bill is framed just now, there is no security whatever that such is the meaning or such the end sought. The organization of the Governing Body of the new University is on a liberal basis. Its introducer has rightly understood that it would be impossible for him to pass any Bill through this House which submitted the government of a University to ecclesiastical authority. Science and literature have flourished vigorously both in Roman Catholic and in Protestant countries, when their religions have allowed liberty of thought and action. But they have been equally strangled in both, as much by the Calvinism of Geneva as by the Popery of Rome, when ecclesiastical authority became paramount over the intellectual development of the nation. This Bill chiefly reposes

upon the State. To the State, as proctor for the nation, the welfare of the Roman Catholic ought always to be as great an object of interest as that of the Protestant population, and, whatever be the form of Government, that feeling should remain the same. Under a Senate in which the State is so largely represented, the question in relation to a curriculum of study and examination ought always to be not "How will the Bishops like our scheme?" but "How is it best suited for the intellectual development of the Roman Catholic population?" At the same time, I cannot help remembering that Irish Governments have generally been favourable to the pretensions of Irish Bishops to get a preponderating influence in educational establishments. The first Charter of Maynooth College contained the condition that the Governing Body should always be half lay and half clerical. It is now wholly ecclesiastical. I intend to move in Committee that the graduates of the Universities should equal the nominees of the Crown on the Senate. I have a great belief in the liberality of well educated lay Roman Catholics. The students and pass-men of the Catholic College in Stephen's Green have shown a liberality of thought and culture far in advance of the ecclesiastical rulers of that institution. In the future management of St. Patrick's University, I would like to see a larger influence among its graduates, and a smaller influence among State nominees, who may possibly be appointed more in reference to political exigencies than to the higher interests of education. That, however, is a detail, and not a principle. But, to my comprehension, there is no clear enunciation of the only principle upon which I would feel justified in voting for this Bill—that the Colleges intended to be affiliated are to be Lay Colleges, under the complete supervision of the Senate of the University, as to its curriculum for lay teaching. Even then, I cannot say that I think the Bill will constitute a high type of University. There is too much about it of the Examining Board, and too little of well-ordered teaching, to suit my ideas of a good University. That which pleases my right hon. Friend (Mr. Lowe) displeases me. But I do not intend, at this stage of the Bill, to state my objections to its proposed machinery. I would only now

say that I see it will intensify the evils of examination to a great degree. The demon of examination, not only through Universities, but also through competition for public services, is beginning to prey upon the vitals of intellectual life in England, as it has already done upon those of France. Examination is, no doubt, necessary as an evidence of knowledge and of accuracy; but it is not the end of educational or professional training, but only a necessary evil connected with it. Education aims at giving slowly intellectual food, not more rapidly than it can be healthily assimilated. But examination defeats this healthy intellectual nutrition by forcing the student to cram in ill-assorted and mechanically accumulated learning. When education and examination are united in the same teaching institution this evil is at its minimum; but when the teaching College and the examining authorities are separated it rises to its maximum. Now, this Bill runs madly on examination. Before a student can become an M.A. he must stand five University examinations. If they are really worthy of academic rank, the student will be rendered intellectually sterile by the time he has attained his degree, and will be worth nothing to himself or to the nation in intellectual productiveness afterwards. This is not a chimerical, but very grave evil to be guarded against. In France, the incessant examinations stimulate the intellect into excessive activity during youth, and the discoveries and writings of youthful philosophers are brilliant but evanescent. After 40 years of age we look for them no more in modern France, because the brain has become prematurely sterile. Now, this must be guarded against in the case of Ireland, for we have to deal with a people excitable by nature, and liable to injury by mental as well as by physical stimulants. Now, I know what reply the Irish Members will give in regard to my criticism of this Bill, which I hope that I have not attacked in an unfriendly spirit. They will say—"You are unfair and illogical in refusing to our Theological Seminaries that State aid which is given to Scotch Universities with Theological Faculties." But I would remind them of a difference. These Theological Faculties had scanty aid afforded them during the reign of William III., and by the Treaty of Union the State is

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bound to continue this aid. But whenever the State has in modern times added to the resources of the Scotch Universities, as it did in 1858, it has distinctly refused to give any new recognition or support to the Theological Faculties; and whenever the State has aided a University in modern times, as in the case of the London University, it has distinctly refused to mix itself up with theological training. There was a time when theological teaching was the only thing thought worthy of State support; but that time has gone by. Will the new University Charter which is likely to be given to Owen's College in Manchester contain a Theological Faculty, or, if it did, would Parliament vote to it one shilling of State support? Roman Catholics ask us to legislate according to their sentiments; but they must recollect, when they ask the State to give large endowments for University teaching, that there are deeply-rooted convictions and sentiments throughout all parts of the United Kingdom that such State aid should be given for secular education alone. This is, no doubt, the profession of the Bill. But the stream of money is so overflowing, and the secular dam to keep back its waters so low and insecure, that it will rush over it, and fertilize all the Theological Roman Catholic Seminaries of Ireland. I believe that the day is past when the public feeling and conviction of this country would sanction such a result. Honestly anxious as I am to see higher secular education promoted in Ireland in accordance with the religious convictions of Roman Catholics, I cannot vote for a Bill which is so loosely constructed as to include all Theological Seminaries under the assumption that we are confining our aid to institutions for the promotion of secular education.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON): As one of the Members for the University of Dublin, I desire to make a few observations on the Bill now before us. My right hon. Friend (Mr. Assheton Cross) will, before the discussion closes, speak on behalf of the Government. I feel that the right hon. Gentleman who has just spoken must be under a misconception if he thinks that the Bill will work any injurious consequences to existing institutions. But the main object of the speech we have just heard seemed to me

to make an amiable apology to hon. Members from Ireland for not supporting the Bill. The right hon. Gentleman has given us some reasons for certain clauses in the Bill; but he has also given us some powerful criticisms against the major portion of it. In fact, it seemed to me, a considerable part of his remarks was addressed to the disarming of criticism upon the Scotch University Votes. As to the effect of the Bill upon existing institutions, no one who examines the matter with any care can question or deny it. The fact has been assumed, and must be admitted, that the Bill, if passed in its present state—and we can only deal with its present form, and I have heard no suggestion of modification—must obviously and immensely damage the Queen's University and the Queen's Colleges. Of course, it would be optional for all Roman Catholic students to withdraw from these. This would be regarded as only a legitimate exercise of free choice; but it must be borne in mind that—to use the words of the right hon. Gentleman—the extravagant prizes and rewards offered at the new University would subject the Queen's Colleges and University to a competition against which they could not stand for a moment. A clever student without an exceptional effort could, if diligent, under this Bill, acquire Scholarships, honours, passes, and a Fellowship, and win, in the aggregate, a sum of £1,100; while the equally clever student, laying himself out for every prize, could not win at the Queen's University as much as £200. And here, it must be obvious, is a kind of competition that must seriously impair the success of the Queen's Colleges. Then, it has been assumed that the University of Dublin will not be affected, or only to a very trivial extent, by the Bill. But this is an entire and complete mistake. The University which it is sought to call into existence would at once become the richest and best endowed in the country. At once it would become the richest; and how? It cannot be forgotten that the source of this great wealth is a source specially distasteful to Irish Churchmen—Irish Protestants, who have not yet learned to forget that it was the product of the Disestablishment of their Church, one grave and sad effect of which they recognize in the fact that by its opera-

tion many of the clergy of long standing and of high character at the present hour are in suffering and distress. This attempted use of the surplus funds of the Irish Church is open to another criticism, assuming that this Bill is right in principle, assuming there is a question to be settled, at all events it must be conceded that the funds produced by the disestablishment of one denomination should not be utilized for even the indirect establishment of another denomination. My remark just now, that this University would be the richest of the country, seemed to be questioned by a gesture from an hon. Member opposite; but there cannot be the slightest question of this. £1,500,000 is to be at once handed over; and the hon. Member for Roscommon (the O'Connor Don), computing the minimum rate of interest, estimates this will produce £45,000 a-year. This is a tolerably good income, and even that is a larger public endowment than exists in the case of any other University in Ireland. But it is ridiculous to take it at this sum, because the Irish Representative Church Body have succeeded in placing investments so well that they, on an average, produce something over 4 per cent; and, taking this to be the case, the revenue of the University would receive by the transfer and without the slightest difficulty very little short of £60,000 a-year. There is another circumstance I may here add. The income of this £1,500,000 could not, even with the most prodigal expenditure, be spent at once. In four or five years they might get into good working order, and during that interval very likely some £200,000 savings would be added to the sum. So I may be justified in assuming that the revenue of this University, with its £60,000—as I think it would be, and which, at any rate, will not fall far short of £50,000—would be the largest in Ireland. And this large sum is to be absolutely in the unfettered control of the Senate, the constitution of which has been already criticized. Contrast this with what is done in the case of the Queen's University. There, every shilling of the money provided by the State is placed upon the Estimates, subject to criticism, and granted by Parliament. The gross amount of the payments for the University and the Queen's Colleges is about £31,000

a-year; and if we add to that the interest on account of building grants, about £5,000, then from all sources there is debited to the Queen's University and Colleges about £36,000 a-year. My hon. and learned Colleague (Mr. Plunket) has already referred to the incomes of Dublin University and Trinity College. They are something like £40,000 public revenue, with a few thousands from private revenues, together much under £50,000; so I am justified in my statement that the new University would be distinctly richer than the Queen's University and Queen's Colleges, and very considerably richer than Dublin University. A circumstance never to be lost sight of is that existing institutions are entitled to consideration, and it is not fair to handicap them too severely in the race. The Queen's University and Colleges charge very reasonable fees, I believe £8 or £9 a-year, and Dublin University charges very substantial fees, taking into account that the country is poor and the University going classes are, in Ireland, mainly professional. Dublin charges for matriculation £15, and charges 16 guineas a-year to each student—not large, perhaps, when stated to the House, but large when taking into account the circumstances of the country. But there is no provision in this Bill, and I do not know that there is under the Bill any necessity to charge a student of the new University one farthing; and so parents will have to consider the propriety of sending their sons to the Queen's University at moderate charges; or to Dublin University, where the fees are considerable; or the new institution, where not one farthing is charged, where the education is assumed to be liberal with result fees and prizes extravagant in value. It is obvious that very many would be attracted by this more than gratuitous University Education, and thus the two existing institutions must suffer. The mode of dealing with existing institutions is emphasized by the 18th clause, to which reference has been made. This is the clause which excludes the Queen's Colleges and Trinity from having, under any condition, any participation in the benefits of the Bill, or competing in any shape for one of the prizes. Now, this cannot be defended. This is not a part of the Bill

which has been introduced much to the observation of this House; but, I suppose, other hon. Members who take an interest in the Bill will speak upon the subject. But I should like to know why this clause has been introduced; or, being in, how it can be defended? No University should object to fair competition. Dublin does not. Anyone who chooses may matriculate there without condition as to where he comes from; and, in fairness for ourselves, we ask that the Queen's University and Dublin University should be allowed to compete for prizes. Why, London University has seen her prizes carried off by Cambridge men, and others distinguished in the English Colleges, and the competition is, on the whole, a healthy one. There is no reciprocity in this. No matter what may be done in other institutions, Dublin University has no intention of closing its portals under the influence of unworthy jealousies. No matter whether this Bill pass or not, we shall not narrow the bounds of our competition. As a proof of the fair working of this, I may mention that at the recent examination for Fellowships a Moravian gentleman (Mr. Purser) was declared at the head, and next came a Roman Catholic gentleman of great attainments (Mr. Maguire), who will probably be a successful candidate next year. This is the result of the Bill for removing tests, because this same gentleman, Mr. Purser, was successful on a previous occasion, and was previously accredited first in the order of merit and elected for the Fellowship; but he had to forego taking it, because he could not accept an oath disagreeable to his conscientious convictions. Another part of the Bill, which again will largely affect the existing institutions, is the proposal of result fees. As well as I can understand the observations of the right hon. Member who spoke last—I am not going fully into the principle of result fees—but following his argument, I believe he stated that if ever this principle should be applied to University Education, it should be so applied as to exclude all institutions like Maynooth. At I desire to say on this principle of result fees is, that it is unusual in University Education, and only last year was it introduced into the Intermediate Education Act, where I trust it will

work advantageously; but when it is attempted to apply it to the system of University Education, it is incumbent, I think, upon those who advocate its extension, to show that it can be applied without derogating from the true interests of academical learning, and without damaging existing institutions. It is obvious that, from an academic point of view, the principle cannot be applied in the case of a University without the exercise of the most jealous caution, and for this reason. If a College or a University are given a direct pecuniary bonus for each graduate educated within its portals, the institution will be subject to a grievous temptation to lower the standard of its examinations, in order to manufacture as many graduates as possible. What, again, is the effect of the result fees as stated in the Bill, even assuming they are somewhat modified, in reference to existing institutions? These will be still so heavily weighted in the race that it will practically be impossible, in many cases, for them to continue competing in many branches of learning in which they are very successful at the present time. Take the case of a College with 20 students, that is a College within the definition of this Bill. Suppose four men passed with honours in the arts and professional courses, 13 obtained ordinary passes, and three failed, that would secure an income for an institution with 20 students of £900 a-year—something like £45 income for each student. No College could stand in competition with an institution so subsidized; and, in fact, it would come to this—that it would be to the interest of the affiliated Colleges, so far from exacting fees from their students, actually to pay them to come and win these large rewards. I am disposed to think, from the manner in which the Bill has been introduced, that the hon. Member for Roscommon (the O'Connor Don) does not intend that the measure should damage any existing institution. Many of the consequences of the Bill which I have pointed out were not, I believe, contemplated by the hon. Member. We are, nevertheless, bound to deal with the Bill as we find it. I take it as it has been proposed to the House, and before I close my remarks I cannot forbear one or two words on the extraordinary attempt to apply the novel principle of result fees to professional schools. However desir-

able it may be to encourage the study of arts and all liberal education in Ireland, and however necessary or desirable it may be to satisfactorily settle the pecuniary difficulties surrounding the question, no one, I think, can suggest that Ireland is not sufficiently professional. We have enough doctors, engineers, barristers—and if anything can be urged against us on the point, it is that we are too professional. There has been absolutely free trade between the five different medical licensing Bodies in Ireland; but if you disturb the balance by giving one or two of these institutions result fees, it is perfectly obvious that by these advantages you cripple and ruin other schools, and you will have an outcry from one end of the country to the other from those who have worked under free trade in medical education. It cannot be denied, when examined on principle, if the Bill passed in its present shape, with its professional result fees and prizes, the effect would be practically to empty the professional schools both of the Queen's University and Dublin University. It would be impossible for them to stand against the competition with result fees and other extravagant prizes against them. The Bill and its prizes would also have the effect of drawing away from existing institutions many of their Arts' students. In conclusion, I wish to remind the House that the University of Dublin is admittedly open to all, and is afraid of no fair, reasonable competition. It has never been illiberal; never taken a bigoted or intolerant part in dealing with any public question. Its portals are open to all religions, and if Roman Catholics come they are very welcome; while if they find from conscientious objections they cannot come, we deeply regret it. The University is always willing to consider any suggestion having for its object the extension and development of education; but, for the reasons I have given, as well as for other reasons the House has heard before, and will hear hereafter, I am unable to give my support to the second reading of this Bill.

MR. LEATHAM: Sir, the arguments of the right hon. and learned Gentleman who has just sat down (Mr. Gibson) bear mainly on a subsequent stage of the Bill. I do not rise, therefore, to endeavour to reply to them, nor, for that matter, to speak in favour of the

Bill, but rather to attempt to show why I venture to think that we ought to pause before offering it our uncompro-mising opposition. Some hon. Mem-bers, no doubt, are prepared to resist, almost to the death, anything and every-thing which they are led to believe has received the assent of the Pope and of the Roman Catholic hierarchy in Ire-land, however reasonable and moderate the proposition may appear to others. My argument is not addressed to them, but rather to hon. Friends of mine with whom I have had the honour and plea-sure of voting and acting for more than 20 years; from whom I should separate myself with pain even for a single day, but who seem to me, judging from speeches which they have made out-of-doors, to press their opposition to this measure beyond the point which even the most rigid interpretation of our principles requires. Now, what is the object of this Bill? Is it not to give to the Roman Catholics of Ireland Univer-sity Education in a form which is worth having, and, at the same time, in a form which they will accept? To give it in any other form, I need hardly say, is not to give it at all. Now, first, as to whether the proposed education is worth having? Some hon. Gentlemen are op-posing the Bill upon this very ground—and with some degree of plausibility—for we all remember that when the right hon. Gentleman the Member for Green-wich introduced his Irish University Bill, one of the most formidable objec-tions which were brought against it was that the proposed University was a teaching University, from whose teach-ing almost every object of human interest was carefully excluded—for example, philosophy, and modern history. Now, if the exigencies of the case were such that, in order to bring his Bill within the concurrence, as was supposed, of the Roman Catholic hierarchy, the right hon. Gentleman was compelled thus to limit and thus to emascuate the educa-tion given; what are we to think of my hon. Friend's Bill, which, as we under-stand, has received the assent of the Roman Catholic hierarchy? Are we to have true science, and are we to have true historical investigation? If we are, then we must congratulate the Roman Catholic hierarchy upon a great march of opinion; if we are not, then I must plainly tell my hon. Friend that I shall

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be unable to support his Bill at a subse-quent stage, because I cannot vote what is, practically, public money for the endowment of a University Education which, in the view of the public, is no University Education at all. My hon. Friend will, no doubt, tell us that the State will have taken ample guarantees under his Bill for the *bonâ fide* character of the education to be given. At this stage of the Bill, I think we may assume that this is the case. At all events, before the Bill becomes law, we shall have ample opportunities of seeing that it is so. And, upon the assumption that the Bill will give to the Roman Catholics a University Education of the highest grade, it is hardly possible to exaggerate the importance of what we shall have done. We shall have done that which, in my humble opinion, may change the whole current of the history of Ireland. For what is it against which we have had chiefly to contend? Before all things, against the consequences of our own misrule—against fanaticism, exas-perated to the utmost by our whole political demeanour towards Ireland for centuries. But, in the introduction of the highest University training, in a form which will be heartily embraced by the Irish people, I see, by-and-bye, the end of that fanaticism, because it will be the end of the ignorance upon which it is based: I see, at all events, an honest attempt to wipe away some more of the traces of an injustice which is past, and I discern the dawning of a nobler era for Catholicism itself, when the "faith which can remove mountains" shall dare to leave the twilight, and ascend into the day. Well, if there be any truth at all in these anticipations, what importance are we to attach to the argu-ments of those who are opposing this Bill upon the ground that the affiliated Col-leges will be sectarian? What we are en-dowing is not the Sectarian Colleges, but the effort of the State to wring from the Sectarian Colleges an education which shall be worthy of the name. Believe me, we have not done enough for Uni-versity Education in Ireland, in offering it to the Catholics in a form in which, if they were not Catholics, they ought to accept it. If this were all that we had to do, we have nothing to do, for we have done it already. But will anyone seriously maintain, after what took place in the House a few years ago, that the Univer-

sity question is not a real and living question in Ireland? Now, when a question becomes a living question, there are only two courses open to you. You must solve it somehow, or you must refuse to solve it anyhow. Of course, you could draw yourselves up and say—"Unless we can solve this question in strict accordance with our principles, or with the interpretation which we choose to put upon our principles, we will not solve it at all, and Ireland may remain without a congenial University until Doomsday." But it is precisely because I am a stickler for religious equality that I cannot bring myself to this ungenerous and, as I think, this unjust conclusion. We have, no doubt, done much for religious equality in Ireland; but, with all our doing, we have left what is, perhaps, the greatest inequality of all untouched. The Presbyterian is in full enjoyment of his University, and the Episcopalian is in full enjoyment of his University; but the Irish nation, which is neither Presbyterian nor Episcopalian, but Roman Catholic, is in the enjoyment of no University at all. Now, this is a great and very painful anomaly. There is no use in blinking the matter. The disability is a religious one. It is because these people are Catholics, rigid, conscientious, and consistent Catholics, that they are debarred from all the advantages of our Universities. I may be told, perhaps, that this is the result of prejudice. "Prejudices," said one of the most acute of modern writers, "are the stop-gaps in the hedge of truth, and, like other stop-gaps, are often more difficult to get through than the hedge itself." And when prejudices are national, when they become the prejudices of an entire nation, they seem to me to rise almost to the dignity of principles, and to command respect. At all events, the statesman who would legislate just as though they did not exist is no statesman at all. But are these merely prejudices, after all? We all know that the Roman Catholic attaches an eternal importance to the belief in particular dogmas. Why should it be matter for surprise or ridicule that he should hesitate to plunge his son, at an age when we are peculiarly susceptible of new impressions, and when religious principle is proverbially weak, into an atmosphere which is so completely impregnated with

Protestantism as to be almost deadly to the belief in particular dogmas? Why are we to draw a sharp line round all who feel this hesitation, and say—"You must throw over your apprehensions, or there is no University Education for you. You must do violence to the conviction that in sending your son to our College you are sending him, I may say, with his religious life in his hand, or you must forego all the emoluments and distinctions, all the social prestige, which goes with high University training?" And we are told to do this in the name of religious equality, forsooth! Every College and University which the Catholic is debarred by his scruples from entering is piled high with endowments. There are to be no endowments for those which he might enter; even although the fund from which it is proposed to take those endowments was, in its origin, essentially and exclusively Roman Catholic. Now, perhaps, those who are the most prominent in their opposition to this Bill are Nonconformists. I should like to ask my Nonconformist Friends what has been their experience of the opening of the old Universities in this country? We have opened the Universities, and the sons of Nonconformists have flocked to them. What has become of their Nonconformity? It is notorious that, in many cases, the air of the place has been too strong for it, and that they are adorning the pulpits of the Church. Well, if this be the case, why taunt the Roman Catholic with his fears? Now, if these fears are to be respected, the measure which gives University Education to Ireland must either be a measure granting everything which the Catholics desire, which this does not; or it must be a measure of compromise, which this is. Now, the question which I wish to put to my hon. Friends is this. Granting that this measure must be one of compromise, are we ever likely to see a compromise, so harmless, so little dangerous, or which makes so small an inroad upon our principles, as that which is now before the House? My hon. Friends seem to me to argue as though the legislation of the last 50 years had been one unbroken series of triumphs for the principles which we profess. There can be no greater fallacy. The Irish Church Act itself, which is the fulcrum upon which you work, was a compromise, and a compromise of

the most liberal and generous kind. If it had not been so—if you had really stripped the Church naked—then I could understand the argument against levelling up in place of levelling down. But if by the very Act to which you appeal as your great precedent, and which was passed in a Radical Parliament, with the full light of voluntarism turned upon us, we practically re-endowed the Episcopal Church, why should it be so monstrous to take some portion of the remaining spoils of that Church and to endow with them a non-sectarian University, just because the endowments will filter and trickle down from the University which is not sectarian to the Colleges which are? I am afraid that I must tell my hon. Friends a home truth. They hardly approach this question with dispassionate minds. The thought will obtrude itself, not simply and solely what is just, but how will this measure affect the future of Roman Catholicism in Ireland? How will it help our Protestant Propaganda? For my own part, if I could entertain such a thought in such a connection, I should despise myself; I should feel that I was a traitor to my Roman Catholic fellow-countrymen, and never again, so long as I lived, should I have the courage to ask a Roman Catholic elector for his vote. And this leads me to say just one word before I sit down, with reference to the taunt which, happily, we have not heard to-day, though we have heard it loudly out-of-doors. I mean that those of us who are not prepared to turn our backs at once upon this Bill are actuated by the desire of purchasing, by a sacrifice of principle, the Roman Catholic vote. I am surprised that such a taunt should have been heard at all. I think that it speaks ill not only for the moral and intellectual acumen, but the political acumen of those who use it. There are hon. Members who have enjoyed the honour of a seat here, it may be, for 20 years, and who have never hesitated, when the occasion required it, to give votes which must and which have insured for them the active hostility of every Roman Catholic elector. Against which of us is this taunt levelled? It may be that by the course which we are now pursuing we may provoke the anger of some of those with whom we have habitually acted; it may be that we shall incur the displeasure of

certain formidable organizations; but the very fact that we are willing, if necessary, to run these risks, ought to clear us at once from the imputation that we have arrived at our decision upon selfish or unworthy grounds.

Mr. HOLT said, it appeared to him that the speech of the hon. Member who had just addressed them was one in favour of concurrent endowment, and had been made in view of a General Election, under the conviction that there were Roman Catholic voters in Huddersfield. It seemed to him (Mr. Holt) that the Bill before them was a new method for dealing with an old subject. The method, as far as he could learn, was not one which found particular favour with the country. The opposition to this Bill was not great at first, but had grown day by day more powerful, for the more people saw of the measure the less they liked it. As to the subject, the House was pretty familiar with it. Successive Governments had burnt their fingers in endeavouring to grapple with it, and they had found that any possible solution of it was impossible. Hitherto the demands made from Ireland in respect to that question had come from the Roman Catholic Prelates, who desired to have a University in which they should have absolute and exclusive control. He would do those gentlemen the justice to say that their claim had been advanced in terms perfectly plain, if not, somewhat peremptory—terms which were liable to no misapprehension and admitted of no compromise. The result was that the country had learnt to look on all negotiation with the Roman Catholic Prelates with the gravest suspicion; and he hoped they should hear nothing more of anything of that kind. The occupants of the Treasury Bench must be aware that recent rumours, whether well-founded or not, had caused the greatest anxiety among many of their followers. The negotiation with the late Lord Mayo was not forgotten; and it was no secret that there had been a fear out-of-doors that the Government might possibly attempt to meet Irish obstruction by concessions to Ultramontane claims. He, for one, had been most unwilling to attribute any such policy to the Ministry. It was perfectly natural that such an idea should be encouraged by hon. Gentlemen opposite; for they knew how to take advan-

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tage to the utmost of any mistake of that kind, and they would be glad to see the Government meeting the country with a shattered Party and a damaged reputation. He congratulated Ministers on their having the courage and prudence to decline to take up the question; but he hoped they were aware that the country expected, and their interests required, a frank disavowal of any such policy. If by such concessions, or promises of concessions, they hoped to get the support of the Irish Party, they would soon repent of their error. It would be a support on which they could never rely, and it would cause the alienation of friends whose confidence they would never regain. Hitherto, as he had said, the demand had been made by the Roman Catholic Prelates, and in discussing the question he could not ignore the fact that that demand had never been withdrawn. When he was asked to vote for this Bill the question arose in his mind, what was the need for such a measure, and what object was it to attain? In introducing this Bill, the hon. Member for Roscommon said it was intended to meet the demand of the Irish laity based on conscientious convictions, and also to provide a system of University Education for a number of young men who were ready and anxious to avail themselves of it. The hon. Member did not say the Bill was one which would satisfy the demands of the Irish laity; but he did say that it was a compromise, and was not to be regarded as a complete measure; but he did not state who were the parties to the compromise, nor whether it was to be of a permanent or a temporary character. The Bill might be looked upon as an instalment of the demands of the hierarchy—an instalment of a debt hereafter to be paid in full. The measure was so drawn as to veil its sectarian character, but it must be read in the light of the speech of the hon. Member who introduced it; and, in that light, it seemed to him (Mr. Holt) its policy was clear. The reasons which had been given to induce the House to adopt it seemed to him to be totally inadequate. If the necessities of the Irish laity might be satisfied with something less than a denominational University, the House ought to be shown why the existing University institutions of Ireland did not satisfy or could not be made to satisfy those necessities. If they were asked by this Bill to provide

a secular University, he asked why they should not improve and extend the existing Universities. The Queen's University and the Queen's Colleges were non-sectarian, they were easy of access, they were not full, they were capable of expansion, and if more accommodation than they could afford was needed, they could be enlarged. The Queen's Colleges appeared to be gradually making way with the Irish people, notwithstanding the serious opposition of the Roman Catholic hierarchy. If that opposition were withdrawn, he understood there would be a large accession of students to those Colleges; and their steady progress ought not to be interfered with by a scheme like the present one. The hon. Member for Roscommon had not shown that the system proposed by the Bill was superior to the existing institutions; and, therefore, he would submit that if the demand which came from Ireland could be satisfied with a non-sectarian institution they ought to avail themselves of the existing institutions, and reform them if necessary, but not to create a new University. But was not the defect to be remedied rather this—that the existing institutions were not sufficiently narrow and exclusive. They were asked to provide by that Bill to establish and endow Colleges which would, or might, be Sectarian Colleges, to be affiliated to a colourless University which should hereafter assume a denominational character under the control of the Roman Catholic hierarchy. That was the scheme which the Bill was calculated to promote; and he was, on that account, compelled to give it his opposition. It was, as he conceived, a scheme for a Roman Catholic University in disguise. The Bill contained no Conscience Clause, and no provision for freedom of religious opinion in the case of the students and Professors in the proposed new University of St. Patrick. In short, there was nothing to prevent that University from becoming the most Ultramontane institution in the world. What were the safeguards provided by the Bill? It provided that there should be no payment in respect of religious instruction, no theological degree, and no theological Chair. These were really all the safeguards in the Bill, and they applied rather to the University than to the Colleges. He objected to the proposed

definition of a College, and contended that there was nothing in the Bill to prevent the Senate of the new University from becoming a body composed exclusively of Roman Catholic ecclesiastics. The University itself would be of an exclusive character, as its Scholarships and Fellowships could not be competed for by persons belonging to any of the existing Universities. He could not think that a Bill containing such provisions would commend itself to the approval of Parliament. The speech delivered by the hon. Member for Roscommon in introducing the Bill contained a demand for concurrent endowment, based on a threat of ceaseless agitation. Surely, the hon. Gentleman must have forgotten that the noble Lord now at the head of the Government had pledged himself, in 1869, and again in 1873, to oppose anything like concurrent endowment? He denied that those who objected to the Bill were committing an act of intolerance. They had no objection to Roman Catholics having perfect freedom for the education of persons of their own faith. What they objected to was the establishment by the State, and the endowment with public money, of an institution to be exclusively under the control of the Roman Catholic priesthood. That was not only a religious, but also a political, body, whose avowed aim was to destroy the Protestant Constitution of this country. But, putting aside all considerations of a religious kind, he maintained that the establishment of a Catholic University was not the way to promote sound, liberal education in Ireland. On that point he would not trouble the House with arguments, but would give them a few facts, which would show the inferiority of the secular instruction given in Colleges and Seminaries which were under the control of the priesthood. In his Report to the Italian Government, in 1870, on the Colleges and Seminaries of the City of Rome, the Italian Minister of Public Instruction said—

"The well-known fame of the various Colleges induced us to believe that if certain studies were thought dangerous or useless, and were, therefore, prohibited or neglected, others, on the contrary, were cultivated with so much the more assiduity, and we expected a solidity and profundity of knowledge in certain branches of learning that would almost compensate for the effect of the timid, mistrustful restriction of others. . . . As for mathematics, we can say all we want in two words. The pupils who

were examined were found in a state of total ignorance, not having the slightest idea either of geometry, algebra, or arithmetic. Such was the instruction of young men who came from the schools of the humanities and rhetoric, and who asked to be admitted into the first or second class of the Lyceum. After six or seven years of study, according to the particular school from which they came, all their instruction was limited to an imperfect knowledge of Latin."

With regard to the study of history and geography, the Report said—

"The students who were examined showed that they had not the most elementary knowledge of the earth's form and surface. They were even ignorant of the geography of Italy—as seas, mountains, rivers, and populous and celebrated cities. 'Questioned by me,' says a Professor, 'as to what they knew of geography, some did not even know the meaning of the word; others, after having assured me that they had studied it for two years, said that the Adriatic was a mountain, Sarlinia a city, Milan the capital of Sicily,' &c. 'One told me Brutus was a tyrant, another that Dante was a French poet.'"

That was the result of putting education in the hands of the Roman Catholic priests; and he believed this country would never approve of putting the education of Ireland in their hands. The advocates of denominational education in this country were sometimes taunted because they refused to extend the system to Ireland. His answer was that, in his opinion, denominational education was itself a compromise adapted only for a country where there existed an Established Church. In Ireland there was no Established Church, and, with disestablishment, all reason for compromise came to an end. In 1869, Parliament was distinctly told that State endowments of religion in Ireland were to cease for ever. Moreover, the denominational system, as it now prevailed in England, would not be acceptable to the Irish Roman Catholics. He sympathized with the desire for religious education; and if the Roman Catholics demanded to send their sons from Roman Catholic Seminaries to take degrees at Queen's University or at Dublin University, and to compete there for prizes, he should offer no objection; but he could not for one moment consent to support a measure that was calculated to establish a third University in that country. He believed the Bill now before the House was calculated to have that effect, and that he should express not only his own conviction, but the opinion of the majority of his constituents and of his

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countrymen by recording his vote against the proposition.

MR. RICHARD : I confess, Sir, that I listened to the speech of my hon. Friend the Member for Huddersfield (Mr. Leatham) with no little surprise. I do not in the least impugn the perfect purity of his motives, or wish to insinuate that he is moved, in the course he has taken to-day, in separating himself from his political Friends by any electioneering purposes. But how he can reconcile the speech he has made with the Nonconformist principles which he has so often and so eloquently advocated, wholly passes my comprehension. It seemed to me that his speech went entirely in favour of denominational education, and, as the hon. Gentleman opposite (Mr. Holt) has said, for concurrent endowment. I do not see how, on the principles which my hon. Friend has laid down, he could resist a proposal to take the remnant of the fund accruing from the disestablishment of the Irish Church and apply it to the endowment of the Roman Catholic priesthood. When my hon. Friend said that those who opposed this measure had more regard to the effect it might have upon their Protestant propaganda in Ireland than for what was just, I venture to say that he made an utterly unfounded imputation. My hon. Friend had justified the reluctance of the Roman Catholics to send their children to the Queen's University by the alleged experience of the Nonconformists in the English Universities. He said that the results of the Nonconformists sending their sons to the Universities was that their convictions as to the faith of their fathers had been undermined. I utterly deny the accuracy of that statement. I believe that, in the immense majority of cases, the young Nonconformists who have gone to Oxford and Cambridge have bravely held their own in religious matters. But if it were otherwise, if Nonconformists could not stand against the arguments which might be brought to bear by those who were the advocates of Establishment, why let Nonconformity go. I do not admire what Milton calls "a fugitive and cloistered virtue," which is afraid to come into the open field where truth and error are in conflict. I, therefore, regret to hear our Roman Catholic fellow-subjects declaring that they could

not avail themselves of the advantages of mixed education, because they were afraid that if they did so, their young men would no longer adhere to their faith. I wish I could convince hon. Gentlemen from Ireland by whom I am surrounded, how sincere is the reluctance—I might almost say the pain—I feel in being obliged to oppose them on a matter that is so near to their hearts as this University Bill. If any proposals had been laid before us that I could have supported with any show of consistency, I was prepared to lend a willing and indulgent ear to such proposals, in the hope that this difficult and perplexing question might be finally settled. But I cannot accept this measure without practically repudiating principles which I have professed and proclaimed all my life, and recanting everything I have said in this House, ever since I have had the honour of a seat here, whenever questions connected with education have come up for discussion. What are those principles which we Nonconformists have always avowed? I do not know that I can explain them better than in the words of my right hon. Friend the Member for Birmingham (Mr. John Bright). He was speaking in this House, many years ago, when an Education scheme of the Whig Government was before the country. The Nonconformists had opposed that scheme on account of its strongly denominational character. Their agitation against it had been stigmatized in the House by a distinguished man, as "the clamour out-of-doors." Adverting to that phrase, my right hon. Friend said—

"Just recollect, when the whole of the Nonconformists are charged with clamour, what they mean by being Nonconformists. They object, as I understand, at least I object, to the principle by which Government seizes hold of public funds to give salaries and support to the teachers of all sects of religion, or of one sect of religion; for I think the one plan nearly as unjust as the other. Either the Nonconformists hold this opinion, or they are making a sham. They object to any portion of the public money going to teachers of religion belonging either to the Established Church or to Dissenting bodies; they object to receive it themselves. . . . Their very principle is that the Government has no right to appropriate public funds for the purpose of religious instruction."—[3 *Hansard*, xci. 1094-5.]

That is the principle on which I take my stand. I can assure my hon. Friends from Ireland, for myself, and I believe

I am correctly interpreting the sentiments of the Nonconformists if I associate them in the assurance, that we are not moved in the course we are taking on this occasion by any "No Popery" feeling, by any bigoted hostility to the Roman Catholics or the Roman Catholic Church. No doubt, ecclesiastically, we, the Nonconformists, are at the furthest remove from the Roman Catholic Church. Nor do I affect to believe that the points on which we differ are trivial and unimportant. On the contrary, I think they are of the gravest character in their influence not only on religious, but on political and national life. But we Nonconformists have always maintained that, however widely we may differ on such matters from our Roman Catholic fellow-subjects, they are entitled to perfect equality of civil and political rights with ourselves. And we have always aided them in acquiring and maintaining those rights. When they were engaged in the struggle for Roman Catholic emancipation, we stood loyally by their side, and contributed in a considerable degree to the success of their agitation. I am anxious to make this point clear, because a few years ago a very able and distinguished man, Lord O'Hagan, in pronouncing an eloquent eulogy upon the character and services of Mr. O'Connell, stated incidentally, but quite mistakenly, that the Dissenters were opposed to Roman Catholic Emancipation. I think I can disprove that allegation by the most conclusive evidence. At that time there were in existence two Bodies which might claim to be emphatically representative Bodies of Nonconformists. One was the deputies of the Three Denominations. The other was the Board of Dissenting ministers of the three denominations—Presbyterians, Independents, and Baptists. Both these Bodies petitioned in favour of Roman Catholic emancipation. The Petitions of the latter Body were raised into great prominence by the speeches made on their presentation in the House of Commons by Lord John Russell, and in the House of Lords by Lord Holland. If the House will permit me, I will cite two or three sentences from the speech of Lord Holland on that occasion. After stating who the petitioners were, he said—

"They were distinguished for their attachment to the Reigning Family. They were de-

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cidedly opposed to the errors of the Church of Rome. They had always been keen in detecting anything like an approach to civil or ecclesiastical tyranny, and the first to oppose and defeat the attempt. Such were the men who now approached their Lordships, praying them to extend the principles of civil and religious liberty to all classes of His Majesty's subjects. He would confess that if he required any new fact to render him favourable to the great measure of Catholic Emancipation, if he required any authority to induce him to support that cause, the authority of such men would weigh more with him than that of almost any other body of men in the Kingdom."

If any additional evidence were required, it might be found in the language of Mr. O'Connell, who, in 1829, the year after Roman Catholic Emancipation, came of his own accord to a meeting of Protestant Dissenters held in the City of London, and used these words—

"I have come here as the representative of the warm-hearted feelings of the people of Ireland. I stand here, in the name of my country, to express our gratitude, in feeble but in sincere language, for the exertions made on our behalf by our Protestant Dissenting brethren. I have come here to express my thankfulness for the support which they have given to the great cause of my country."

And ever since, we have also helped them in their endeavours to assert their rights. My honoured friend, Mr. Miall, was one of the first to call attention in this House to the evils of the Irish Church Establishment, and there were no more strenuous advocates of the Disestablishment of that Church than the whole body of Nonconformists, and that expressly on the ground of its injustice to the Roman Catholics of Ireland. But, certainly, we did so with no intention or expectation that the funds of that Church were to be handed over piece-meal to another Church. The best proof I can give that I am not opposing this measure from any sectarian motive, is to point to the course I have always taken when Bills for English and Scotch education were before the House. I resisted strongly and consistently the denominational character given to those measures. And for myself, I can say with all sincerity, that if every penny of the money proposed to be dealt with under this Bill were to go, not to Roman Catholic, but to Episcopalian, Presbyterian, Methodist, or Congregational Colleges, I should none the less strenuously oppose it. My objection is not that the money should pass to Roman Catholic institutions, but that it should

pass to sectarian institutions. There may be hon. Gentlemen in this House who may find it difficult and embarrassing to vindicate their own consistency in this matter. When hon. Gentlemen opposite were strenuously contending for denominational education in England and Scotland, we did not fail to warn them that the time would come when they would have to confront this Irish question, and might then be placed in a position of considerable perplexity. It is not for me to find an apology or justification for them. But we have nothing to reproach ourselves with.

"Let the galled jade wince,
Our withers are unwrung."

We have not swerved from our consistent protest against endowing religious opinion with public money, against promoting sectarian education by authority of law. At the same time, I am bound to say that the argument from English and Scotch precedent does not hold good to the extent that is sometimes assumed. It does not hold good at all as respects the higher education. So far from confirming and extending sectarian education in Universities and Colleges, the whole tendency of our legislation has been to unsectarianize these institutions, to make them less denominational and more national. And even in regard to primary education, though that is far more denominational than I like, there is in the introduction of the Conscience Clause a distinct and formal recognition of the fact that schools receiving public money are not to be exclusively and purely sectarian. But it may be said—"This Bill is not an endowment of sectarian education." Well, let us see. No one pretends to deny that the affiliated Colleges, into whose hands will pass by far the greater part, I believe the whole, of the money proposed to be appropriated, will be denominational institutions of the most pronounced character. Well, what does the Bill propose to do to these institutions? It first gives rewards in the form of exhibitions, scholarships, and fellowships to the students trained in them, and to that I, for one, have not the slightest objection. But it goes much beyond that. It pays directly to the institutions themselves, result fees for all the students brought up within their walls who pass examinations. It pays

lecturers for teaching the students. It pays for providing and keeping in repair Colleges, museums, and laboratories for the use of those institutions. And this is done, observe, by grants that are final and absolute, without the protection of a Conscience Clause, without power of revision or control by Parliament, without the right of inspection by the State, without which no public money has ever been given to educational institutions. And to tell me that, after all this you do not endow these institutions, is really to make a demand on one's simplicity and credulity which I cannot yield to. It may be said that you only pay for the secular education given in those institutions. Those who say that, do not understand what the essential theory of the Roman Catholic education is. No Roman Catholic will say it, for the very gist of their contention is that there ought not, there must not, there cannot be any separate secular instruction—that all knowledge and learning must be saturated with Catholic teaching; so that hon. Gentleman must not try to pacify their consciences on the plea of only paying for secular instruction. I am willing to give Roman Catholics everything that I would accept for myself. The Nonconformists of this country have a considerable number of denominational institutions of their own, where they teach their own theological and ecclesiastical views. But they support those institutions out of their own pockets, and they would be ashamed to come to Parliament to ask for a grant of public money to support them, on the plea that along with those theological and ecclesiastical views they teach also some amount of useful secular knowledge. If such an impossible thing could be imagined as that the present Government, or any Government, should come down to this House and propose an endowment for those Dissenting denominational Colleges, I am confident that not a fortnight would elapse before every Member of this House that has Nonconformists among his constituents—and there are none who have not some—would be overwhelmed with letters and Petitions from those Nonconformists, praying to be saved from such a degradation. But I should be wanting in candour if I did not add that, apart from these objections, which, I urge, on the special grounds of my

principles as a Nonconformist, there are other objections I feel to this measure, though I do not wish to implicate anyone else in the avowal I am about to make. I object to this Bill because its tendency, I may fairly say its object, is to place the education of the youth of Ireland wholly under priestly influence, and that influence deriving its inspiration from a foreign and alien source. No one could have studied the history of this question of Irish education without finding that the difficulty has always been here. I believe that if the Irish people were let alone they have no objection to avail themselves of the mixed education offered to them. When Mr. Stanley, afterwards Lord Derby, brought his scheme of National Education before this House, the leading Catholic Representatives, including Mr. O'Connell, Mr. Shiel, and Mr. Wise, accepted it with satisfaction and gratitude; and I believe the Queen's Colleges would have been accepted by all, as they were by some, were it not a dead set had been made against them by the Roman Catholic hierarchy and priesthood. That this opposition sprang, as I have said, from an alien and foreign source, is clear from the distinct utterances of the Roman Catholic Prelates themselves. Monsignor Woodlock, Rector of the Catholic University, writing in 1866, with regard to a proposed affiliation with Queen's University, to the Catholic author of a Lay University scheme, says—

"Permit me to say that I think you have fallen into two or three mistakes. First, in supposing that the Bishops would for an instant entertain the thought of affiliating their University to the Queen's University as at present constituted. . . . Where is the line to be drawn in a system of affiliation? I answer, it is to be drawn so as to secure for the Catholic University the positions it is entitled to at the head of the Catholic education in Ireland. Less than this the Sovereign Pontiff will not sanction.

In a pastoral of Bishop Derry, in 1865—

"Our Most Holy Father has caused to be sent to all Bishops a list of more remarkable errors condemned by him in the course of his Pontificate. To one or two only of these errors do we mean to call attention. They relate to education; and it may be observed that no one thing appears to alarm the Holy Father more than the false principles on which it is sought to found educational systems. He sees the conspiracy that has been organized to withdraw the education of youth from the influence of the Catholic Church. . . . It is expressly enjoined on us to use our best efforts to keep youths away from Colleges of that description. Parents and guar-

dians of young men are to understand that by accepting education in them for those under their charge they despise the warnings, entreaties and decisions of the Head of the Church. Adhering to the discipline in force in this diocese, we once for all declare that they who are guilty of it shall not be admitted to receive the Holy Sacrament of the Eucharist or of Penance while they continue in their disobedience."

Far be it from me to say one disrespectful word of the Head of the Roman Catholic Church. I feel no such disposition, and, if I did, it would be unpardonable to indulge it in the presence of so many hon. Gentlemen who hold his office and character in so much reverence. But, perhaps, I may say this without offence, that we, as a Legislature, owe him no allegiance, and I confess I do not relish the idea of our legislation in this House being controlled and dictated by a foreign sacerdotal Power. It has been said that we ought to make concessions. Well, I am willing to make concessions, but they ought not to be one-sided. At present, the attitude of Irish Members, and of the Roman Catholic hierarchy by whom they are controlled, is one of unbending and uncompromising exaction. Again and again have efforts been made to found a system of superior education, but they have peremptorily rejected all those efforts. Nothing will satisfy them but a system endowed by the nation and controlled by the priesthood, and against such a system I, for one, most earnestly protest.

SIR WALTER B. BARTELOT said, this House ought to determine for all time if that were practicable, at any rate so far as it was possible, the lines upon which education in Ireland should be based, and he fancied, at least he had thought, they had already determined that great question. The hon. and learned Member for Louth (Mr. Sullivan), in far from a complimentary speech, had said the Government had been coquetting with Ireland on the subject, and by letters and telegrams had been asking on what conditions the question could be settled. He did not intend now to inquire into that matter. It might be true, or it might not be true; but this they did know, that the great majority of the people of the United Kingdom had determined upon what lines the question should be settled. Both front Benches had endeavoured to settle it, but in vain, because the majority of the people in

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England and Scotland, and a large class in Ireland, were determined that it should not be settled by the direct endowment of a Roman Catholic University in Ireland. This was a question of fact. We had disestablished the Irish Church, and had also established a national system of education. On what ground were we to endow a Roman Catholic University, when we would not give any endowment to Roman Catholic primary education? It had been hoped by this system that religious animosities in Ireland would as far as possible be put on one side, and that all classes should be brought up together, so that they might live together without those heart-burnings which were sometimes engendered by denominational education. These things being so, no Government would be able to deal with this question on the lines of this Bill. The hon. Member for Roscommon (the O'Connor Don), in his admirable speech, hinted at the affiliation of any number of Roman Catholic Colleges with St. Patrick's College in Dublin. But before this House granted a farthing, it must be shown that there was some absolute necessity for the endowment. In looking over the Papers, and in carefully considering how the Queen's Colleges had worked, so far as he knew and had been able to learn, so far from being the failure which hon. Members had stated, they had practically been a great success, and there had been education in those Colleges, since the time they had been formed, between 2,000 and 3,000 Roman Catholics, which was quite as many as could be expected, considering the number of Roman Catholics in Ireland who might be supposed to wish for higher education. Had those students been tyrannized over? Had their faith been tampered with? That he most positively denied. So far as he was aware he had only heard of one man, and that the hon. Member for Dungarvan (Mr. O'Donnell), who complained of the education he had received in the Queen's Colleges, and he was surprised that any man who had such an education as the hon. Member had, or, no doubt, he might have had, should stand up in the House and denounce those Colleges. At all events, it could not be denied that they had received him within their walls. He believed that it would not be for

the interests of Ireland that a great denominational College should be endowed, but that the better plan was to encourage, in every way unsectarian places of education such as the Queen's Colleges. He would not say a single word against any Roman Catholics, nor did he wish to exclude them from any of the benefits of education; he only hoped that the supporters of the Bill would believe that their opponents in Scotland and Ireland as well as in England alike desired that Roman Catholics should share all the benefits of citizenship; but he felt that the Bill had been rightly characterized by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) as a retrograde measure, and that the question could never be settled upon the lines laid down by the hon. Member for Roscommon. He could not for a moment suppose that the House—or, indeed, any Parliament—would allow the funds of the Disestablished Church, which by a clause in the Disestablishment Act were to be made available for purposes totally different from this purpose, to be dealt with, not as the House might order, but according to the dictation of others. The proposed solution of the difficulty would not for one moment be tolerated by the country, and he should, therefore, vote against the second reading of the Bill.

MR. W. E. FORSTER: Sir, the hon. and gallant Baronet who has just sat down has spoken with great energy, and with the directness with which he always addresses the House. When he speaks we always know exactly what he means. He never leaves the House in doubt about his views or opinions. He has addressed the House, not simply on his own behalf; but he has spoken on behalf of the majority of his country, not only present, but future, and he declares most positively that there shall be no alteration made in the system of Irish University education, either by this Government or by any other. That is a statement of very great comprehensiveness; and I observe that the hon. and gallant Baronet bases it upon an assumption made not only by him, but by others, that my hon. Friend the Member for Roscommon (the O'Connor Don) proposes by his Bill the religious endowment of Roman Catholic Universities in Ireland. But my hon. Friend has disavowed any such intention, and I will address myself to that part of this

subject, and give my reasons for believing the hon. Member is correct in his views of the results of the Bill. It appears to me that this most difficult matter must be considered not only as an educational question, but also as an Irish question. Undoubtedly this is a matter upon which a good deal of disagreement exists, and I do not altogether agree with the remarks of my right hon. Friend (Mr. Lyon Playfair). He treated the question almost entirely as an educational question, and many of the criticisms which he made, I think, demand the serious attention of my hon. Friend the Member for Roscommon. But the right hon. Gentleman's objections appear to me to be eminently matters for consideration in Committee. Now, will the House let me look at the question for a moment as an Irish question, and as a subject affecting legislation for Ireland by the Parliament of the United Kingdom. We have heard a great deal with regard to the Roman Catholic Bishops, and the influence they exercise. To my mind it is not a question of the influence of the Roman Catholic Bishops in respect to this question, but I believe it is a question upon which the Roman Catholic people of Ireland have a conscientious opinion. I respect the views of the Roman Catholic Bishops. It would be most unreasonable and unwise that we should not give their opinion and wishes full weight. I do not, however, consider that their wishes and opinions alone ought in any way to determine the conclusions of this House on the educational question, or any other question. But I am forced to believe that in this matter the large majority of the Irish people of all classes, and especially of that class most deeply interested in higher education, do agree with their Bishops, and that we have to deal with them and not with their Bishops. It is a mistake to say that they are under the control or order of the Bishops in the matter. They are acting, so far as I can see, from their own voluntary and sincere conviction, and not from the conviction of the Bishops. The large majority of Irish Roman Catholics—that is, the large majority of Irishmen—tell us this—"We want University education." My right hon. Friend has clearly shown in his speech why they should want it—why the circumstances of Ireland, poor as they were, especially

demand it. They say—"We want higher education and University education, but we prefer a religious education combined with secular education." The hon. and gallant Baronet says they ought to prefer mixed education. Is he not a little more enthusiastic for a mixed system for the sons of Irish parents than he would be for the sons of English parents? Many of us have a strong feeling that a mixed system would be better. We see its advantages; but how are the religious animosities, which are said to exist, to be got rid of by this united system? After all, however, it is not what the English Members say—not what the hon. and gallant Baronet (Sir Walter B. Barttelot) says—not what the hon. Member for Merthyr (Mr. Richard) says. What we have to consider is what the Irish people themselves prefer. Do they prefer this mixed system? "No," they reply—"It is a fundamental conviction of our faith that religion and education are inseparably connected." I am not saying whether that is right or not, but we have to deal with the Irish view of the matter. But then they go on to tell us that, notwithstanding that conviction, they are our fellow-citizens and fellow-taxpayers, and, therefore, they have a right to their share of State aid and State acknowledgment in the settlement of this education question. That appears to me to be the first fact to take into consideration; but there are two other facts which I think the House ought not to lose sight of. If we had let Ireland alone in the past, if we had not conquered her, and treated her for centuries as a conquered nation, who would deny that the University of Dublin at this moment would have been as completely a Catholic institution as it is now Protestant? Again, if we were to repeal the Union, or pass the measure of Home Rule which is pressed upon us, and which I trust we never shall pass, who would deny that not merely this Bill would be passed by Parliament sitting at St. Stephen's Green, either upon the principles of Home Rule or upon those of repeal of the Union, but a very much stronger Bill, or a Bill, I may say, very much more objectionable to Englishmen? Well, then, this is an Irish demand with which we are brought face to face. The question is how to deal with it. I do not think it is a question of votes either in this House

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or out of it. We very often say that matters are not Party questions, and the statement is often received with incredulity; but I think this is not a Party question, and for this reason. What with English and Scotch opposition on the one hand, and Irish support on the other, the cleverest political manager or electioneer would be at fault if he attempted to deal with this subject solely with regard to its Party results, and I would defy him to make his calculations. I am quite aware that my hon. Friend the Member for Merthyr, and the right hon. Member for the University of Edinburgh, have no notion of viewing it in that light. But there is a much deeper question than the one whether English Members or the Conservative Party, or any special candidate would gain or lose by any attempt to settle this University difficulty or by supporting or opposing this attempt to settle it, and that is, how legislation for Ireland by this Parliament ought to be conducted, how the union which we wish to preserve can be cemented, and how the desire for disunion can be discouraged and diminished? I think we are beginning at last to realize what ought to be the conditions of union between Great Britain and Ireland. What are, in fact, those conditions? That the wishes of the Irish people, expressed through the majority of their Representatives, ought to be considered, and most fairly and carefully considered. I do not say that those wishes ought to be conclusive in any matter; but I do say that their clear and unmistakeable expression makes a strong *prima facie* case in favour of any measure, and throws the *onus probandi* on its opponents. I think that when this House rejects the clearly expressed wish of the Irish people, stated through their Representatives, it ought to have good reason to believe that the fulfilment of that wish would be contrary either to justice or to high policy—and by high policy, I mean the safety and prosperity of the Realm. I think you, the Irish Members, have a right to tell us that in purely Irish matters we should not legislate for you, or for Ireland, merely in accordance with our preconceived opinions, or prejudices, or sentiments. But you have no right to ask us to do an unjust thing, or what we believe would be contrary to the interests and the security of the United Kingdom. Perhaps I may be allowed

to appeal to my own conduct. I resisted the demand for Home Rule, because I believed it would greatly injure the welfare of the United Kingdom—of Ireland as much as or even more than of Great Britain. But I say that there would be a stronger argument for Home Rule than any argument used by the hon. Gentleman who so ably brought it forward if we got into the habit of taking the ground taken by the hon. Member for Lancashire (Mr. Holt) and by the hon. and gallant Baronet who has just sat down, that we should decide Irish questions purely in accordance with English opinion, when Irish wishes are not contrary to the principles of justice and equality. I feel that we could not put a greater weapon into the hands of Home Rulers than to treat Irish questions thus—a weapon which they would use with effect, and with which they would strike with force on the sentiment of the English and the Scotch people as well as on that of the people of Ireland. I have said that in resisting a demand we ought to have good reason to believe that it is contrary to justice or high policy. Now, with regard to justice—I am but speaking my own opinion—but I confess that I think justice and fairness are on the side of my hon. Friend the Member for Roscommon. I cannot see why it is just that a Roman Catholic student should not have quite as good a chance of getting his degree and obtain quite as much State help in the acquisition of high University culture as the student who is not a Roman Catholic. [Admiral Sir WILLIAM EDMONSTONE: So he may now.] So he may now, says the hon. and gallant Admiral. So he does not now—and why? Because, in accordance with the religious sentiments and opinions in which he has been brought up, and in obedience to the convictions of his parents, he prefers to have his secular teaching combined with religious teaching. The hon. and gallant Admiral may be right or not, but the youth of whom I am speaking, is not the hon. and gallant Admiral's son, and he is not to lose the State help because he differs from him. I entirely agree with my hon. Friend the Member for Huddersfield (Mr. Leatham), that to inflict such disadvantages upon him is in reality to foster a religious disability. To inflict it is not an assertion of the principle of equality,

as is so often stated, but to maintain the contrary of the principle of equality. To my mind there is no religious equality in putting A in a worse position than B, because A is a strict Roman Catholic, and B is not. Now I come to the question of policy. There are many hon. Gentlemen on both sides of the House who strongly believe that this University Bill would increase the power of the priests in Ireland, and that that power is a power of evil, and, therefore, this Bill must be opposed. I think there is some little misapprehension with regard to the power of the priests, and I am not sure that, after all, we should find Ireland much easier to govern if this power of the priests were entirely destroyed. But however that may be, I do not believe that this Bill will increase their power for evil. It is possible that the influence of the priests—especially of the Ultramontane priests—may be, in many respects, opposed to civilization, and what I count the spread of true knowledge, and even to the principles of free government. But when is the power of the priests a bad influence for having that effect? When it can be brought to bear on uneducated men, on half educated men, or badly educated men. It is powerful just in proportion to the want of education of those on whom it is used. Remember this, that you cannot force your Roman Catholic youth to attend your Protestant or Secular Colleges; you cannot make them go to the Trinity College in Dublin, or the Queen's Colleges in Belfast or Cork; but, practically, you have to choose between their going to a Roman Catholic College or no College at all. It will be the fault of this House if the secular education obtained in these Colleges is not comprehensive and sound; and depend upon it, even if that secular education be given by priests, or by professors who are under the guidance of priests, the youth who gets it will have his mind widened, and not narrowed. He will be less bigoted and less prejudiced than if he did not get it. If, then, there be no ground either of justice or high policy why this demand should not be granted, I would ask English and Scotch Members whether there can be a more purely Irish matter than the promotion of Irish education out of Irish money? My hon. Friend the Member for Roscommon does not bind him-

Mr. W. E. Forster.

self to this particular fund of the surplus of the Irish Church, but no one will deny that it is an Irish Fund; and when it is stated that it is a breach of faith to apply it to Irish education—which I do not think it is—it is such a breach of faith as a very large portion of the House has already committed. It is precisely what was done last year, and what was proposed to be done by my right hon. Friend the Member for Greenwich (Mr. Gladstone) when he brought forward his Bill. I think it will be exceedingly difficult for the Government to say that though they proposed to apply the Irish surplus to intermediate education last year they would not appropriate it to University education this year, because, last year, there was no breach of faith committed, and this year there would be. The last speaker thinks we ought to leave the matter alone. We cannot leave it alone. It comes on every year, and, I suppose, must do so until it is settled. We seem to be driven to the conclusion that some such plan as that proposed by my hon. Friend is the only possible mode of settlement. I should myself have preferred only one University in Dublin, but my right hon. Friend (Mr. Gladstone) proposed this and failed, mainly owing to the opposition of the present Government. My noble Friend the Member for Calne (Lord Edmund Fitzmaurice) remarked how much better it would be to affiliate the Roman Catholic Colleges to the Queen's University. There would be many advantages in that plan. I am not sure that it would not be the best. But does he propose to give the same State aid to the Roman Catholic College which is now given to the Queen's Colleges? Without such aid, I think his proposal would be almost a mockery; and with it, would not the opposition be as great as to the present Bill? We have not heard yet what the Government intends to do. When the Bill was last under consideration the Chancellor of the Exchequer made a very ingenious speech; and if he meant that no hon. Gentleman on either side should understand what course he was going to take, he was completely successful. The Attorney General for Ireland has taken care to do no more to-day than defend Trinity College. I think it is hardly generous for the champion of that very rich and powerful institution to look

with so much suspicion on the proposed University, and I cannot but believe that he is needlessly alarmed at the prospect of future competition. For instance, he seemed to have calculated what sums might be attained by a student at the new University, and he stated it was £1,100. I think all these matters require careful consideration as to whether they are not on too large a scale; but the Attorney General for Ireland must remember that calculations have also been made as to the value of the prizes at Trinity College; and I have been told that if you go to an actuary, he will say that the value of a fellowship at Trinity College may be £9,000 or £10,000. The hon. Member for Roscommon would, no doubt, be only too delighted, as I should be myself, if the Government would take the matter in hand and bring a Bill forward. I fear they will not. The hon. Member for Lancashire (Mr. Holt) warned them not to try to settle the matter because of the effect the attempt would have on their own Friends; and the hon. and gallant Baronet (Sir Walter B. Barttelot) who last spoke, seemed inclined to take the same view. He alluded to the negotiations which were said to have taken place at the beginning of the present year; and I hope that when the Home Secretary speaks, he will tell us that there is some public reason why those negotiations should not be disclosed to the House, or will say whether it is or is not true that a man in very high authority—no less a man than the Lord Lieutenant of Ireland—I am only speaking of what the rumour is—that an offer was made on behalf of the Lord Lieutenant—or, rather, that a message was sent by him to gentlemen having the confidence of the Roman Catholics—asking them whether a Bill almost precisely the same as the present one would receive their support? I think that is a matter we ought to know something about. Possibly the Government may say that the negotiations were of a private character, and cannot be made public; but, in my opinion, when matters have gone so far, the Government should make a clean breast of it. The House will not be surprised to hear if I say now that I shall feel it my duty to vote for the second reading of the Bill. But, in doing so, I vote for the principle and the principle only; and I understand the principle to be,

in the words of a Petition I presented, that “the religious convictions of a Roman Catholic are to be no bar to his educational career.” That the State is in this matter of University education to look to the secular teaching, and to the secular teaching only. That it is to require the same qualifications for a degree from an undergraduate at a Roman Catholic College as from an undergraduate at any other College. That it is to appropriate State aid simply and solely in payment for secular results. That it is not to concern itself with the questions how far the students may or may not prefer to combine their secular with their religious, or denominational teaching, or whether that denominational teaching be Roman Catholic or Protestant. I believe that to be the principle of the Bill of my hon. Friend the Member for Roscommon. But when the Bill comes into Committee I think that the statements of my right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair) will have to be most carefully considered. He says, in effect, that there are provisions in the Bill which, under the colour of secular endowments, give a religious endowment; and we shall have to consider whether payments to individual students, which certainly seem to be large, and also whether the payments to Colleges warrant this statement. My hon. Friend (the O’Conor Don) disavows any intention to obtain any religious endowment, and when the Bill comes into Committee I shall hold him to his assurance, and I have the most perfect faith in its sincerity. He has shown in this House again and again that he is not the man to say one thing and mean another. And now a word as to our present Parliamentary position. It seems to me to involve the fact that both Parties and the Governments of both Parties have failed in dealing with this difficulty. We have it now brought forward with all the disadvantages of its being brought forward by a private Member. I do not think a private Member can be held responsible for omissions as a Government might be. I do not think, for instance, the omission of a Conscience Clause is such a fault in my hon. Friend’s measure as it would have been if brought forward by any Government. But we have the advantage that now we have the Irish demand

stated by Irishmen in a proposal carefully considered, and, from their point of view, as reasonable as they think they can make it. It is now quite late in the Session, and we have a good deal of work before us; but I doubt if we have any work so urgent as the settlement of this Irish demand. I hope there will be a Division to-day. Even if my hon. Friend succeeds in carrying the second reading, the Bill will still require to occupy much of the time of the House. I have observed it stated in the Press that my hon. Friend wishes to rush the Bill through the House; but I am sure my hon. Friend is far too sensible a man to have any such idea, and the matter is far too difficult to be disposed of in that manner. But the great thing, after all, is that there is an opportunity of settling this difficult question. Have we anything better to do? If we succeed we shall relieve a somewhat barren and dreary Session of the reproach of having done almost nothing. It would be a very great credit to the Government to have this question settled, even by their affording help to a private Member, and that credit I should not begrudge them. Although I do not agree with the Bill exactly as it is proposed, I appeal to hon. Members on both sides of the House to read it a second time, with the intention of fairly considering in Committee all objections that may be urged. None of them seem to me to affect the principle of the Bill; and I think the House ought to be willing to sacrifice some time, and give some trouble to the solution of a question which it is necessary to deal with, and which the present affords an opportunity of dealing with in a satisfactory manner.

MR. ASSHETON CROSS: Although my right hon. Friend the Chancellor of the Exchequer is present, it is impossible for him to speak now, having already spoken in this debate. I should, therefore, like to offer, on behalf of the Government, and on my own behalf, a few observations before this debate closes. The right hon. Gentleman who has just sat down has appealed to the Government and the House to settle this question, and he treated the matter as if the solution was very easy; but I would ask him whether he could settle it among his own Friends on the bench on which he sits, and whether, if we came to discuss this question in Com-

mittee, he could offer on any one clause the united support of those Gentlemen with whom he acts? He has stated that it is a question which ought to be treated as an Irish question, and so ought to be carefully considered. I most entirely agree with him in one observation which fell from him—namely, that any Irish question on which the large majority of the Irish Members bring before the House, with positive evidence that they are united in asking the consideration of the House, a matter so brought forward ought to receive the most careful consideration of the House. I entirely agree with that. I am one of those who would not impose a civil and religious disability on any of my fellow-subjects, whether in Ireland or in any other part of the United Kingdom; but when the right hon. Gentleman pushes his argument further than the mere words, and goes on to say that because this demand is supported by a large number of Irish Members, we are forced to adopt it without consideration, he is putting before us an entirely different question. If we accept that principle as a whole, of course, we accept Home Rule and everything else; and the argument which justifies him going on that ground, quite irrespective of the merits of the case, would, of course, support him in any demands he made on any other subject. [MR. W. E. FORSTER: Yes.] The right hon. Gentleman says "Yes;" but I differ from him, it being a question of high policy, and, as I think, injurious to the Empire; and what we have to consider, when such questions come before us, is, whether the measure brought forward is consistent with the principles of justice, and is required by justice to the Irish people, and also whether it is consistent with the high policy which is demanded of a Government. We must ask, in considering this question, whether the measure brought forward so fairly by the hon. Member for Roscommon is necessary in order to do justice to our Irish fellow-subjects, or not. That is not a question to be decided merely because Irish Members say it is so. We are all to decide the question for ourselves by the dictates of common sense, and with the most full and fair and candid consideration which we can give to it. But, when we come to this question of high policy, then I must remind the

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House that there is a question of high policy involved in this Bill, which was put forward by the hon. Member for Merthyr (Mr Richard), and it is contained in the clause which gives the endowment to the University. That is a question of high policy on which the opinion of Irish Members has been taken again and again, and they have joined with the Liberal Party, and a great number on this side of the House, to affirm that this practice of endowment for religious purposes shall not be allowed to go on any further. I am not going to follow the right hon. Gentleman through all his criticisms; but I wish to state, on the part of the Government, as thoroughly as I can, one or two points on which they feel strong objections to the Bill—objections which I will put to the House for their consideration. Some of them have been stated by the Attorney General for Ireland; but there are also some questions of principle, on which I think the House will be nearly unanimous. In the first place, the hon. Member for Roscommon, when he brought forward the measure, himself admitted that it was an inherent evil of his Bill that in his scheme he had to propose a third University for one single nation. On that particular point, the Government have undoubtedly a strong opinion that the creation of the third University is a great evil, and that, if this matter is to be dealt with at all, it had better be dealt with on some other principle than that. I do not, and the Government do not, agree with the principle of affiliated Colleges, as proposed in this Bill. I cannot help thinking that, if the University question is to be dealt with at all, it had much better be dealt with without a measure of that kind restricting the University examinations, as such affiliations must necessarily do. On behalf of the Government, I also must say this is not a question to which, after the understanding of 1869, they could consent that Irish Church surplus funds, or any of them, could be applied. True, the hon. Member for Roscommon says he does not care from what source the funds come, provided he gets funds. But there is another question to be considered. The right hon. Gentleman the Member for Bradford, while saying he would vote for the second reading of the Bill, could

not pledge his support to any one clause, and when we got into Committee we would find ourselves completely at sea, and even without his guidance as to what clauses should be passed, and what not. Now, we cannot read the Bill through without seeing that, in the words of the right hon. Gentleman the Member for the University of Edinburgh, it is practically a theological endowment with State money, which we are asked to sanction by passing this Bill. I should have thought that, at any rate, the practice of money coming from annual grants for this purpose had been swept away when we cleared the ground for the Disestablishment of the Irish Church by taking away the Maynooth Grant. What has been the policy of the Government, and of all Governments of late years, in regard to this matter? The Universities of Oxford and Cambridge have been thrown open. There is no endowment for any religious teaching of any sort in the London University. A proposal has been made for the establishment of a University in the North, and we have not had the slightest hint or suggestion that any endowment for religious purposes from the State could possibly be obtained. The whole tendency of modern legislation has been the other way, and the House has set its face against any such endowment, for religious purposes, whether with respect to Roman Catholics, or to any other denomination of Christians. Then the question comes, what is the precise nature of the Irish grievance, and what is it that the Government are asked to support? It has been said upon one side, on that point, that all the Roman Catholics, if they choose, may go to the Queen's University or Trinity College, Dublin. I quite agree with that, as far as it goes. You cannot say that the funds given to the Queen's Colleges form an endowment for any denomination. It is a State endowment to an institution to which all parties are free to come, whatever their religious opinions may be. But, even with this fact before us, we find that out of 4,500,000 of inhabitants in Ireland, the great majority of whom are Roman Catholics, there are about 1,250,000 belonging to those classes in which University education would be required; but that, as has been stated, there are out of that large number only about 300 at

present in the enjoyment of University education. I quite agree that it is of great service to the State that you should go even beyond the pale of those who naturally expect University education, in order to place facilities in the way of those who, in ordinary circumstances, would not go to a University—that is, in cases where distinguished talent or aptitude was shown; but, taking the figures as they have been given, we have the fact that the Roman Catholics, although they may, to a certain extent, have taken advantage of the Queen's University and Trinity College, Dublin, yet have not, as a body, done so to the extent that might have been expected. You must take people as you find them. We may say to the Catholics—"We have made you a fair offer, we want you to come, and we cannot understand why you do not come." But the fact remains that they do not come. I see no reason why the Roman Catholics should not come and receive this University education; but it must be admitted that the Roman Catholics, whether by the advice of the priests or not, do not take that advantage of these Queen's Colleges which they were expected to do. That being so, the question is whether any remedy can be found for that state of things? After what I have said regarding the Bill itself, I am quite willing to admit that there is a particular grievance pressing upon the Irish population, and that it undoubtedly ought to be remedied. It is clear that if Roman Catholic students do not go to those institutions to which I have referred, the only way they can get their degrees is to come to the London University, and that is a question which ought to be taken into serious consideration. Therefore, we are willing, and nobody on either side of the House would be unwilling, to remove, as far as possible, any real and substantial grievance which rests on the Irish population, subject to those conditions to which I have alluded in taking exception on the part of the Government to the Bill of the hon. Member for Roscommon. It is quite true, Sir, that in the earlier part of the Session, when a great number of measures were brought forward, some of which would take a long time in passing, we came to the conclusion—in which, I think, we have been fully justified by events—that there would be no time in the present

Session of Parliament fairly and adequately to consider this question. We had just passed an Intermediate Education Act, and we wished to see how it would work. I think we may congratulate ourselves upon that measure having been a success. My right hon. Friend the Chancellor of the Exchequer had said, and the Government joined with him in coming to the conclusion, that it would be unwise, for these reasons, to bring forward any measure on this question, looking to its extreme difficulties. Now, has anything happened to afford ground for changing our views in that matter? The hon. Member for Roscommon has brought forward a measure which has been much discussed in Ireland and out of it. I have pointed out the serious objections we entertain to that measure on the question of endowments; but there is another question which also presses on the Government considerably. We understand that a great agitation has taken place in the North of England in favour of a Northern University being formed, and a Petition will be presented to the Queen, asking that a Charter may be granted for it. I do not want to anticipate for a moment the advice that may be given by Her Majesty's Government with respect to that Petition when it is presented; but, undoubtedly, it is a matter seriously to be considered whether, if that Petition should be brought forward in such a way that it cannot be resisted, we should give facilities for establishing such a University for the North of England without saying anything at all about the state of University education in Ireland. Under these circumstances, and bearing in mind the objections I have raised to the Bill of the hon. Member for Roscommon, the Government have come to the conclusion that it would be right, at all events, to put in form their views of what might be done on the question of Irish University education; and the Lord Chancellor will, to-morrow, ask leave, in "another place," to introduce a measure on that subject.

Mr. MORLEY wished to see some proposal that would give a guarantee against this measure dragging them into a system of ecclesiastical endowment. Not only had obstacles been removed out of the way to Oxford and Cambridge Universities, but these Universities themselves were vying with each other

in extending their benefits. It appeared to him that what was good for England was good for Ireland; but if there were impediments that were not consistent with the ecclesiastical opinions of Irishmen, he thought that greater facilities ought to be given. Therefore, if they could get into Committee, he would vote for the second reading of the Bill. He would accept the assurance of the hon. Member for Roscommon that he was prepared to make large concessions. He objected to the theological part of the Bill. He objected to the 18th clause, and he objected to so enormous an amount of public money being transferred to this object; but he should be glad to give his support in obtaining a measure which would secure the result they were all aiming at.

THE O'CONOR DON wished to know what was the concluding sentence of the Home Secretary's speech, as it had only been imperfectly heard? Did he understand the right hon. Gentleman to say that the Lord Chancellor would, to-morrow, in the House of Lords, introduce a Bill dealing with University education in Ireland? [Mr. ASSHETON CROSS assented.] Then, under these circumstances, he thought it was undesirable that they should go to a division on the present occasion, and he, therefore, begged to move the Adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(The O'Conor Don)*.

MR. SHAW appealed to the Home Secretary for a distinct explanation of what he had promised.

MR. ASSHETON CROSS: What I said was, that we had strong objections to many parts of the present Bill, some of which I stated, and that, therefore, we should vote against the second reading; but, at the same time, I stated that the Lord Chancellor would, to-morrow, in "another place," and on behalf of the Government, introduce a Bill upon the subject of University education in Ireland.

MAJOR NOLAN asked, whether there was any chance of the provisions of the Government Bill becoming known this Session, or would the Bill be just read a first time in dummy form, and never get printed at all? Would the Bill be printed and circulated?

MR. ASSHETON CROSS: Oh, yes.

THE MARQUESS OF HARTINGTON: I hope that a division on this important subject will not take place under any misapprehension or misconception. The right hon. Gentleman has stated the objections of the Government to the Bill, and has just announced their intention, in consequence of what has taken place, of bringing in a Bill, and I think that they ought not to be anxious to have an opportunity of voting against the present measure; but that they should be perfectly willing that the proposal of the hon. Member for Roscommon should be considered at the same time, and in competition with their proposal. It appears to me that my hon. Friend the Member for Roscommon was perfectly justified in bringing forward his Bill; but only for this reason, that the Government had shown no disposition to undertake the introduction of any Bill on the subject. Now, however, we know that the Government do intend to lay such a measure before Parliament; and, under these circumstances, I think my hon. Friend has exercised a wise discretion in agreeing to postpone the consideration of his own proposal until he sees how far that of the Government goes. I cannot conceive that in any part of the House there will be any desire to force a division. We should divide in complete misapprehension, if we were to do so now. I should, therefore, think there will be an unanimous agreement to await the provisions of the Government measure before we arrive at a conclusion on this Bill.

MR. NEWDEGATE said, that if no one else opposed the Adjournment of the debate he should, because he knew it was only desired in the interest of a measure to which the majority of the House objected.

MR. COGAN trusted the House would unanimously agree to the Motion for Adjournment. He confessed he did not, after the Home Secretary's speech, look with any strong hopes to the Government measure as likely to be satisfactory. His belief was, that the postponement of the measure of the hon. Member for Roscommon, and, consequently, of legislation to remedy an admitted grievance, would cause great dissatisfaction in Ireland. He complained also that the Home Secretary had not given any answer to the Question of the right hon. Member for Bradford as to the negotiations which were said to

have taken place between certain persons connected with the Government, and persons supposed to be in the confidence of the Catholics in Ireland, and the promise which the Government were alleged to have held out of bringing in a Bill on the subject of Irish University education; if this was so, some information ought to be given to them on the subject. He entertained strong hopes that this question would be dealt with by the Government, as it was a measure of justice. He urged the House to adjourn the debate, as was proposed by the noble Lord the Leader of that side of the House; and he trusted that, in the event of the debate being adjourned, the Government would give facilities for its being resumed.

SIR WILLIAM HARCOURT: I think we are entitled to know what the proposals of the Government are before we adjourn. The Government has placed the House in an unusual, and, I must say, in an unexampled condition. The Government has been in the habit of treating this House with surprise, and I think a better device, a better concealed secret to themselves, has never yet been accomplished; but it has been a surprise accomplished at the expense of the time of the House. If Her Majesty's Government intended to bring in a University Bill, why is it brought forward on the 26th of June? Why was it that the Government told the hon. Member for Tralee, months ago, that they did not intend to bring forward a measure in regard to this subject? What has the Northern University to do with the question; and what are the circumstances to induce the Government in a single sentence at the end of a speech to state that they must now do what for months they have been steadily refusing to do? Are we ever to get to the bottom of the secret and the mystification of this Bill? We have not heard what were the negotiations that have taken place between the Government and the Irish Bishops on the subject of University education. All of a sudden, we hear what the Government have to tell us as regards this question. Why have we been debating all day? If the Home Secretary had got up immediately after the first speaker to-day, the whole matter would have been at an end, and we might have been engaged on another subject. Why have we sat for nearly six hours, and then,

after 5 o'clock, to have this announcement on the part of the Government made? And yet the Government complain of a waste of public time. The public time of Parliament has never been more wasted. First, there is the forcing of my hon. Friend the Member for Roscommon to introduce a measure which has brought about a two days' debate, and which has led to all sorts of negotiations; and all the time it was in their power, and it was their duty, to introduce a measure on the subject. I want to know whether this is a ten minutes' University Bill to meet the exigencies of the debate, or is it a well-considered measure which the Government have had in their pocket during the whole of this discussion? If it is a ten minutes' Bill, I do not know where is the sagacity of Her Majesty's Government; but if it is a well-considered Bill which they had in their pocket, I hardly know what to think of their candour. It is certainly the most extraordinary way of dealing with Public Business on a question of such importance I have ever known; and I think, under the circumstances, we are entitled to know what Her Majesty's Government are going to do with regard to this question of adjournment? I hope that the Chancellor of the Exchequer will give us an explicit answer to that Question.

THE CHANCELLOR OF THE EXCHEQUER: The hon. and learned Gentleman who has just sat down has indulged in a good deal of criticism, very much in his peculiar style, to which I do not feel it necessary to reply. I had risen with the hon. and learned Gentleman to express what our feeling is with regard to the question of adjournment. What we feel regarding the Bill has already been expressed through the mouth of the Home Secretary. It is that, having very carefully considered this Bill, introduced by the hon. Member for Roscommon, having listened to his explanation, and considered the views expressed since the debate commenced on the second reading, we have come to the conclusion that it is impossible for the Government to accept this Bill, even as a basis for any measure upon this subject, and, therefore, that it is essentially necessary for us to vote against the Bill. My right hon. Friend has stated in brief and terse, but in perfectly clear, language, what it is we

object to. We object to the proposal for a third University. We object to the system of affiliated Colleges. We object to anything in the nature of religious endowment. Although we have been told by some speakers that they supported the Bill in the expectation that when it got into Committee it might be largely amended, yet we see no possibility or probability of such an amendment as would bring the Bill into a form in which we could approve of it. At the same time, feeling that we are called upon reluctantly to reject the Bill proposed by the Irish Members in order to deal with a real Irish grievance, we have felt that it was our duty to consider whether we could not offer to Ireland what we thought might be done in order to meet that grievance. We are asked—Why not propose it at an earlier period? We had thought that this was a matter which it were better not to attempt to deal with this year, and that it might have stood over; but when we were pressed to give a vote, which we do most reluctantly, against a measure which is proposed in a temperate way with considerable authority by the Irish Members to meet that which we cannot but consider a grievance, we thought it was but reasonable that we should say what we ourselves propose. If we were merely to content ourselves with saying in speeches that we objected to this measure, but that we would be ready to vote for some other, we should be doing a thing which would not be very convenient to the House or the country, and we thought it was far better that we should bring forward our counter-proposal, which will be introduced in the regular form of a Bill and laid before Parliament, and about the provisions of which there need be no mistake at all. As to this question of adjournment, there is no time for two divisions now. If the House will come to a decision upon the merits of this Bill which we take by itself, we are prepared to express our opinion; but a division on the question of adjournment is not expedient, and I think it would be far better that such an Amendment should be withdrawn, and that we should rather go at once to a division on the second reading of the Bill. As far as the Government are concerned, however, it is a matter of indifference to us whether such a division is taken or not;

but it must be thoroughly understood that if there is to be an adjournment, the Government cannot be expected, and will not consent, to give another day for the renewal of the debate.

SIR JOSEPH M'KENNA rose to address the House, when—

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

SCHOOL BOARDS (DURATION OF LOANS)

BILL.

On Motion of Mr. HANBURY, Bill to amend the Elementary Education Amendment Act of 1873, by reducing the period during which the repayment of Loans contracted by School Boards may extend, *ordered* to be brought in by Mr. HANBURY, Mr. PELL, and Mr. REGINALD YORKE.

Bill *presented*, and read the first time. [Bill 219.]

House adjourned ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 26th June, 1879.

MINUTES.]—PRIVATE BILL—*Referred to Select Committee*—London Bridge.

PUBLIC BILLS—*First Reading*—Consolidated Fund (No. 4) *.

Second Reading—Trustee Acts Consolidation and Amendment * (98); Dispensaries (Ireland) * (88).

Committee—Supreme Court of Judicature (Officers) * (76-129).

Report—Valuation of Lands (Scotland) Amendment (83-130).

Third Reading—Metropolitan Public Carriage Act Amendment * (105); Children's Dangerous Performances * (122), and *passed*.

UNIVERSITY EDUCATION (IRELAND).

NOTICE.

THE LORD CHANCELLOR :
My Lords, I desire to give Notice that I propose on Monday next to invite your Lordships' attention to the subject of University education in Ireland, and to the present arrangements under which University degrees are conferred in that country, and to present a Bill on the subject.

**SOUTH AMERICA—CHILI AND PERU—
LETTERS OF MARQUE—THE HOS-
TILITIES.—QUESTION.**

THE EARL OF AIRLIE asked the Secretary of State for Foreign Affairs, Whether he could give the House any information with respect to the reported issue, or threatened issue, of letters of marque by Bolivia?

THE MARQUESS OF SALISBURY: A report to the effect that a proclamation of letters of marque had been issued by Bolivia came to us from Chili some time ago. On the other hand, I have received to-day a despatch from Lima, stating that the Bolivian Agent in Peru was ignorant of any such proclamation having been issued, and was quite certain that no such idea would be acted upon. Communication with Bolivia itself, as your Lordships know, is not a very easy matter; it is almost entirely an inland State; what coast it has, or had, is separated from it by a large extent of desert, and that coast is now entirely in the hands of the Chilians. I cannot think that there is anything serious in the report of the threatened issue of letters of marque from a State without a seaboard.

**DEPOSITION OF THE KHEDIVE.
QUESTION.**

EARL DE LA WARR: I wish to ask the noble Lord at the head of the Foreign Office, Whether it is true that the Khedive has abdicated, or if he has been deposed?

THE MARQUESS OF SALISBURY: My information is that the Khedive was deposed by command of the Sultan this morning, and I am informed that a subsequent telegram—which I have not seen—announces the installation of Prince Tewfik.

**LONDON BRIDGE BILL.
THIRD READING.**

Order of the day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."

THE EARL OF CARNARVON rose to move that the Bill be read the third time that day three months. The noble Earl said, that when the Bill was passing through its previous stages he was not

aware of the importance of the question at issue. The Preamble of the Bill declared that it was desirable to widen London Bridge with a view to the traffic which passed over it; and there was a clause giving power to the Corporation of London to carry out the work, without specifying in any manner the form or extent of the proposed alterations. It was a serious objection to the Bill, that Parliament should be asked to give such unlimited powers even to the Corporation of the City of London, because, with such powers conferred on them, they might deal with the Bridge as they pleased. There was a model of the alterations in the House, but there was nothing to prevent them from entirely departing from it. This model had been prepared, not by those who opposed, but by those who promoted, the Bill; and, therefore, it was to be presumed that the work was shown at its best, but to that model he was content to appeal as a full and sufficient proof of the vandalism which it was proposed to perpetrate. The present Bridge was built some 50 years ago by Sir John Rennie, costing, with the approaches, something like £1,500,000 sterling. It was quite as fine a Bridge in its way as was Waterloo Bridge, which had been described by Canova as one of the finest bridges in the world. According to the model of the promoters, it was proposed, in order to give additional width to London Bridge, to throw out, to the extent of 11 feet on either side, huge iron footways; and iron could not be so combined with granite without destroying the architectural character of the structure. The Council of the Institute of British Architects had condemned the proposed method of widening the Bridge, and declared their opinion that, if it was to be widened, the right way to do so was by means of masonry in architectural conformity with the structure as it now stood. They expressed their belief that the execution of the work in the manner proposed by the promoters of the Bill would involve the destruction of the original design of the Bridge. Unfortunately, in a case like this, where no individual rights were assailed, and the public interest alone was concerned, a Bill of this sort might pass through all its stages unopposed and even unnoticed. But their Lordships were a tribunal to

which on public grounds he now appealed; and they were well qualified to judge of matters of taste. He urged them not to sanction the passing of a measure of this kind, which would enable the Corporation to apply such an unseemly patchwork of iron to the present granite structure. He also appealed to the Government, who had vetoed the Bill of last year—not on grounds similar to those on which he now asked them to act; but in consequence of the dispute between the Treasury and the Corporation as to the rights of the Crown, and who had the power of putting a veto upon the measure again. The only argument that had been advanced in favour of the proposed alteration was that the requirements of the traffic rendered it necessary. But, as far as he had been able by inquiry to ascertain the facts of the case, he denied that there was any such necessity; and, in any case, he maintained that the method of widening contemplated by the promoters of the Bill was not the proper method. He was assured by most competent eye-witnesses that there was nothing approaching a crowd at all ordinary periods of the day, so admirable were the police regulations as to the traffic on the Bridge. Two eminent authorities—Colonel Haywood, the City Engineer, and Colonel Fraser, the Commissioner of the City Police—had publicly and in print expressed their opinion in regard to this matter, and had declared that there was no excessive pressure of traffic upon the Bridge. Colonel Haywood made a Report on the matter as long ago as 1867, and Colonel Fraser as recently as last year. Colonel Haywood said in his Report that the proposed widening would, undoubtedly, involve the architectural destruction of one of the finest structures in Europe, and that it would be useless unless the approaches were widened also. It was, he thought, impossible for anyone to cite a better or more reliable opinion. But he would, on the question of necessity, take the Report of Colonel Fraser, made last year, in which he said that he had little hesitation in saying that this object—the relief of the stoppage of traffic—would be much more effectually accomplished by a widening of Fenchurch Street. He added that London Bridge was the only important thoroughfare in which serious stoppages were seldom

witnessed; for, as the Bridge was of a uniform width throughout, the police had no difficulty in keeping four lines of traffic—the modesty of Colonel Fraser prevented him from pointing out that this was due to the excellence of his own police arrangements. A remarkable Return made by the City Police last year showed that the total amount of stoppages in a given fortnight was 1 hour and 28 minutes; and, consequently, that there were, on an average, two stoppages a-day—involving a loss during the 24 hours of $3\frac{1}{2}$ minutes each—and in almost every case these were due to the falling down of horses. He thought, in the face of these facts, it was idle to contend that there was any necessity for widening London Bridge in a manner which would involve the destruction of one of the finest public works which they had in this great town. The real difficulty was to be found in dealing with the approaches; and he begged their Lordships to observe that if they widened the Bridge without dealing with the approaches they would only aggravate the difficulties with which they now had to deal. The real necessity was for a Bridge east of London Bridge, and this necessity would probably have to be met on an early day, in order to provide for that vast population which now resided in the districts to the east of the present Bridge. It was estimated that that population had already reached 1,250,000, and it was calculated that in the course of 40 years that number would have increased to 2,500,000. At the present time there was a Bill before the other House of Parliament, authorizing the construction of a Bridge about half-a-mile lower down the river. Whether that was a good or bad measure it was not for him to say; but he thought that when such a Bill was actually before Parliament it was, at least, premature to take such steps as it was now sought to take by this Bill. He contended—first, that no case had been made out showing the necessity of widening the Bridge—indeed, he had quoted statistics to show that none could be made out; and, secondly, he maintained that, if it was desirable to widen it, it should be done in a different way—he objected entirely to the plenary powers which were given by the Bill; and, lastly, he would point out to their Lordships that it would be deplorable in the highest degree if, on

insufficient information, and on the ground merely of a paltry economy, they allowed to be destroyed one of the few great works of modern times which had been built in London. He should be glad if he could suggest any alternative but the rejection of the Bill; but having given the matter his careful consideration he found that he had no other course. It was a measure which the promoters were bound to take back and re-consider, and small hardship would be done to the promoters, who had hitherto carried their Bill through unopposed. He appealed also to Her Majesty's Government, as he could not feel that they would be willing to connect themselves with a work which would hereafter be pointed at with the finger of scorn, and of which everybody who had any part or concern in it would be ashamed.

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months").—*(The Earl of Carnarvon.)*

THE LORD CHANCELLOR said, he did not know whether their Lordships had any special information on this subject; but he ventured, in the general interest of the Business of the House, to ask them to consider the course which had been taken by his noble Friend. He doubted whether it had ever occurred before that a Motion had been made to reject a Private Bill which had successfully passed through both Houses on every stage but the third reading in the last House. The Bill was introduced in the other House in the first or second week of the Session, passed through all its stages in that House unopposed, and had passed all its stages in their Lordships' House also unopposed up to the third reading, when the noble Earl proposed to reject it. The project of widening London Bridge was not a new one. A Bill for the object was introduced in the other House last year, but fell through, not from any regular Parliamentary opposition, but in consequence of a dispute between the Corporation of London and the Treasury as to certain rights of the Crown. The importance of the question raised by the noble Earl seemed to him to lie in this—that what their Lordships had heard from the noble Earl in regard to the merits of the case really

The Earl of Carnarvon

related to questions of fact, on which it was impossible that they could arrive at any sound conclusion. For instance, it was said that there was no necessity for widening the Bridge; but that was a question of fact which required examination into statistics. The Corporation were not proposing to do anything for their own benefit, or to make money for themselves, by widening the Bridge; on the contrary, they were going to spend money, and they were going to do so at the request of those interested in the welfare of the City, and especially of the great carrying Companies. These were all questions of fact which could not be examined into on the third reading of a Bill. Then his noble Friend said this was not the proper way of widening the Bridge, and that, if it was absolutely necessary, some other mode ought to be adopted. But he (the Lord Chancellor) was informed that the only alternative scheme which had been proposed would involve an expenditure of £500,000, whereas what was proposed by the present Bill could be done for £60,000 or £70,000. Then, the City architect and others who were responsible for the advice given to the Corporation had said that if the alternative scheme of an erection of masonry were adopted they would not be responsible for its success, and that they were doubtful whether the present foundations would carry the increased weight of masonry. But this, like the other question, should have been previously examined into. He was only saying what he had been told; but, at all events, it was clear that the questions to which he had referred were matters of fact which their Lordships' House could not inquire into, and were matters which those who raised them ought to have inquired into in the ordinary manner. The question of taste was, of course, a matter of opinion. Upon the question of the necessity of widening the Bridge, there was a strong concurrence of the opinion of those who were interested in the matter in the City that there was such a necessity. It was true that the block on the Bridge was not at present so great as it was some 20 years ago; but that was owing to the presence of a great number of police, and it cost some £700 or £800 a-year to regulate the traffic. As regarded the æsthetic character of the proposed work, he believed similar things had been done. Some of their Lord-

ships might have seen a bridge so treated in Florence. He believed there was also one over the Rhone at Lyons, and he was certain there was one over the Seine at Paris. The æsthetic question, however, was, after all, one on which they might very well differ. He submitted that it was a strong measure, and one quite contrary to their Lordships' practice, to ask them to reject on the third reading a Bill of that character, and which, up to that stage, had not been opposed.

EARL GRANVILLE was disappointed at what had fallen from the noble and learned Earl on the Woolsack. He had joined in the course his noble Friend (the Earl of Carnarvon) had taken in asking the other day for the postponement of the third reading of this Bill, thinking his request a very reasonable one, and that at whatever stage application was made to the House of Lords not to pass a Bill because it would not be for the public good, they ought not without due consideration to sanction it. He quite agreed, however, with the noble and learned Earl, that they were in some difficulty in the matter. As to the effect of what was proposed to be done, he thought there could not be two opinions. The deterioration of a fine monument by the proposed plan was, he believed, admitted by everyone who had examined into it. He was not one to postpone utility to beauty; but such a deterioration of so fine a structure was a matter which ought not to be overlooked. If the noble and learned Earl on the Woolsack had told them that the plan had been considered by the Government, and that, speaking for them, he recommended the proposal as one which was necessary or had greater advantages than any other, he would have attached much more weight to what the noble and learned Earl had said on the subject. But what the noble and learned Earl had said was only what he had been hearing from the agents of the Corporation for the last two days. He had read in the biography of Sir John Rennie that before the Bridge was built the Corporation wanted to patch up the old one; but the Government of the day interposed, and, ultimately, a contribution of £140,000 or £150,000 was made from the Treasury, which gave the Government that voice in reference to such proposals as that in the Bill to which allusion had been made by his noble Friend. The

noble and learned Earl said that objection should have been taken to the Bill before now. But what *locus standi* would the noble Earl (the Earl of Carnarvon) have had before the Committee on the Bill? This could not be regarded as a Private Bill, in the ordinary sense of the word. If, however, the Government proposed now to refer this Bill to a Committee he would be content; but unless they declared this to be their intention, or unless they would state that they, having considered the matter, were convinced of the necessity of the step now proposed to be taken by the Corporation of London in widening the Bridge, he should feel it his duty to vote with the noble Earl.

THE EARL OF POWIS did not think that the promoters of the Bill could fairly be found fault with. The Royal Academy, in 1858, endeavoured to stop the creation of the Victoria Station on æsthetic principles, because its bridge was too near the Chelsea Bridge. The noble and learned Earl had said that it would be necessary to have considerable statistics in order to show whether the traffic over London Bridge was really such that the structure required to be widened; but he thought that anyone who had had occasion to go to the London Bridge Station of the Brighton Railway, without five minutes to spare, could bear ample testimony to the inconvenience which was at present experienced. He did not consider that a new bridge over the river opposite the Tower would meet the difficulty. The proper step to take was to widen London Bridge.

THE EARL OF HARROWBY asked who amongst their Lordships was sufficiently informed upon the facts to be able to give a distinct opinion as to the Bill? It appeared to him that the measure was just one that ought to be referred to a Select Committee, who could make all the necessary inquiries and report the whole facts to the House. It was one which concerned the dignity of the Metropolis, and the matter to which it related ought to be carefully considered in all its aspects.

EARL GREY said, he hoped their Lordships would not agree to the third reading of the Bill on this occasion. If a Motion were made to re-commit the Bill, he had nothing to say against it; but he might say that, in his opinion, the Bill ought not to be passed that

evening. There was not such a superfluity of fine public works in London that they could afford to spoil any of those which they possessed; and he appealed to any of their Lordships as to whether the proposed alteration of London Bridge would not deface and ruin, as a monument of the Metropolis, one of the greatest of their public works? That was a point which did not appear to him to admit of argument. In connection with this matter, he might allude to the circumstance that, under the present system of introducing and carrying forward Private Bills, measures might become law which would be very injurious to the public, and yet the public had no *locus standi* to oppose them. When a Private Bill was brought in, there was no statement made to the House as to its object; practically, as a general rule, no one thought it worth while to take up such a measure; and, in the present instance, there was no course open to the noble Earl (the Earl of Carnarvon) save that which he had adopted. With reference to the obstruction which had been complained of, the noble Earl had reminded their Lordships that waggons did not load or unload on the Bridge itself—the traffic went on continuously, and there were comparatively few stoppages on the Bridge itself—the obstruction took place in the streets leading to the Bridge. In those streets waggons were continually loading and unloading; carriages stopped at shop doors; so that the whole width of the roadways leading to the Bridge were not available for traffic—and thus a great deal of inconvenience occasioned. This explanation was so consistent with common sense that he did not hesitate in accepting it. He supported the proposal that the Bill should be referred to a Select Committee.

THE DUKE OF RICHMOND AND GORDON said, he certainly thought that the persons who had a right to complain in this matter were the promoters of the Bill. The measure had been brought to the notice of the police authorities; but it passed through the other House, and had gone through most stages in their Lordship's House, without attention having been called to the considerations which his noble Friend behind him (the Earl of Carnarvon) now urged. But now, at the very last stage, objection was taken to a measure which had arrived at that point not without

due attention and consideration. The noble Earl who had just spoken seemed to think that there was a proper opportunity afforded by the third reading of the Bill for calling attention to it and moving its rejection; but it would have been far better, if the matter were one of such importance, that the notice of their Lordships should have been directed to it on the second reading. There was nothing in the conduct of the promoters of the measure which prevented public attention being drawn to the Bill, or which prevented the Bill being treated in the ordinary way. He thought there could be no doubt that this was a Private Bill; and he must protest against the doctrine that it was the duty of the Government to take up the question and advise the House upon it. He did not think it was the duty of the Government, either in that or the other House of Parliament, to take up Private Bills and offer their opinions upon the matters to which they referred; nor was it the custom to do so in either House of Parliament. It was quite clear that the question now before their Lordships was one upon which there was great difference and variety of opinion. It had been spoken of from the point of view of art; and it had been said that if the Bridge were allowed to be enlarged in the manner proposed there would be a violation of taste, and that the Bridge itself would be an eyesore to the Metropolis. Generally speaking, the great diversity of opinion that had been exhibited during the discussion showed that the Bill ought to have been considered on the Motion for the second reading; but, although he thought it was greatly to be regretted that attention was not called to it at an earlier stage, he did not consider that there would be any disadvantage in the Bill being referred to a Select Committee, provided that that Committee were properly chosen, and that the Instructions given to it were of such a nature that its Members would be able to look thoroughly and completely into the matter, and to come to such a conclusion as would be satisfactory to their Lordships, and enable them to arrive at a final decision upon the Bill. In recommending or acquiescing in the proposal that the measure should be referred to a Select Committee, he did not wish to convey the idea that he thought his noble Friend had made out his case. He

considered that all his noble Friend had done had been to make out a case for inquiry, and nothing more. That inquiry need not necessarily prejudice the final passing of the Bill.

VISCOUNT POWERSCOURT said, that he hoped it would not go down to posterity that those of their Lordships who took interest in æsthetics considered Chelsea Bridge or Burlington House the finest buildings in the Metropolis. He expressed his satisfaction at hearing that the Bill would be sent to a Select Committee, hoping that that Committee would be able to hit upon something better than the scheme now proposed.

LORD STANLEY OF ALDERLEY thought that the fact that the Metropolis and Corporation had so recently thrown open the Metropolitan bridges free of toll, at a great expenditure of money, was a reason why they should delay to pass the present Bill. It seemed to him that it was desirable to ascertain what effect the free passage of the bridges would have in diverting the traffic before they spent additional money on widening London Bridge.

LORD TRURO said, that the country would not view with indifference a measure calculated to mar, in a great degree, one of the finest public monuments in the Metropolis.

THE EARL OF CARNARVON said, it seemed to be the wish of their Lordships that the statements which he had made should be thoroughly sifted. He hoped that that would be done; and, believing that the remarks which he had made to the House would be confirmed by trustworthy evidence, he accepted the proposal that the Bill should be referred to a Select Committee. He apprehended that the proper course to adopt would be this—that both the Order for the third reading and his own Amendment should be discharged, and that it should then be moved that the Bill be committed to a Committee, to be named on a subsequent day. He had no doubt great care would be taken in the appointment of that Committee.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) suggested that the Committee should be nominated by the noble Earl himself.

Amendment (by leave of the House) *withdrawn*: The Order for the Third Reading *discharged*; and Bill *referred* to a Select Committee.

And, on June 30, the Lords following were named of the Committee:—

Ld. President.	E. Somers.
Ld. Privy Seal.	V. Cardwell.
M. Ripon.	L. De L'Isle and Dudley.
E. Jersey.	ley.
E. Carnarvon.	L. Carlingford.
E. Morley.	L. Winmarleigh.

VALUATION OF LANDS (SCOTLAND) AMENDMENT BILL—(No. 83.)

(*The Earl of Galloway.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

THE EARL OF AIRLIE objected to the existing machinery for the valuation of lands being upset in the way proposed by the Bill—the proposed alteration, as he understood, simply met the convenience of one county. The present system worked satisfactorily in most counties; and he did not see why the noble Earl (the Earl of Galloway) should propose to take away the powers of the Commissioners of Supply, and delegate them to a small Committee, from which there was no appeal to the general body. He would move an Amendment to leave out, after the word “Scotland,” in Clause 4, and to insert the word “may,” the effect of which would be to make the measure permissive instead of compulsory.

Amendment *moved*, page 1, line 29, to leave out from (“Scotland”) to (“be”) page 2, line 2, and insert (“may”).—(*The Earl of Airlie.*)

LORD BALFOUR OF BURLEIGH said, that although the point might seem a very simple one, it was of importance to Scotland. He entirely agreed with the objections that had been raised by his noble Friend (the Earl of Airlie), and thought it was an utterly unprecedented thing for a decision of a Committee to be held final without any Report to the body that appointed it. He did not propose that the Committee should be obliged to report to the Commissioners of Supply, because that would only add to what was already a complicated business. The business of valuation occupied much time, and might be much more conveniently transacted by a Committee than by the whole body; but he thought the Commissioners should have a voice so as to be able to say whether they concurred in the action of the Committee.

In regard to some of the counties of Scotland, where the Commissioners of Supply were very numerous, no doubt, it might be an advantage to appoint a Committee; but in other counties, where the Commissioners were not too numerous to form a working body, it was a hardship to delegate their powers to a Committee. He hoped the House would not allow the whole object of the Bill to be defeated at this last stage.

THE EARL OF GALLOWAY thought his noble Friend was making a mountain out of a molehill. The Bill was not introduced for the benefit of one county; it was to suit the case of almost every county but the one for which the noble Lord (Lord Balfour of Burleigh) had spoken. The Bill had gone through the other House, where it met with no opposition. It was not in any sense antagonistic to the Commissioners of Supply. On the contrary, the Bill was simply to enable the general body of the Commissioners in each county to appoint a Committee of from five to 20 of their number to consider all questions of valuation, and if the parties affected were not satisfied, they would be able to appeal to two Judges of the Court of Session.

THE DUKE OF RICHMOND AND GORDON thought the noble Earl (the Earl of Airlie), if he entertained such strong objections to the Bill, should have brought them forward at an earlier stage. It seemed to him that if the Amendment were carried it would upset the whole Bill. The Commissioners of Supply, instead of being put on one side by this Bill, had the appointment of the Committee; which was much better than having the business done in very large, and sometimes tumultuous, meetings, which were not conducive to the proper treatment of such matters.

THE EARL OF CAMPERDOWN said, he did not agree in the remarks of the noble Duke. When the Bill was in Committee, their Lordships were not so well acquainted with its provisions as they were now. The proposal of the Bill was that the Commissioners of Supply should annually appoint from among themselves a Committee to consist of not less than five or more than 20; to this Committee was intrusted the hearing and determination of all appeals which could be heard and determined by the general body; and their determination

was for all purposes to be deemed the determination of the Commissioners of Supply, by whom it was appointed. He shared the objection of his noble Friend behind him to this arrangement, and should vote for his Amendment.

THE EARL OF AIRLIE explained, that the reason why he did not raise the question on the second reading was because the attention of their Lordships was not called to the provisions of the Bill on that stage of it.

THE EARL OF GALLOWAY said, that the reason why he did not go through all the provisions of the Bill on the second reading was because there were only two Peers besides himself in the House at the time.

THE EARL OF STAIR said, he disapproved of the Bill altogether, and thought it would be better to let well alone. But he should vote for the Amendment, as the process of having to appeal to the Court of Session was a disagreeable one.

On Question, That the words proposed to be left out stand part of the Bill? Their Lordships *divided*:—Contents 23; Not-Contents 10: Majority 13.

CONTENTS.

Cairns, E. (<i>L. Chancellor.</i>)	Blantyre, L. De L'Isle and Dudley, L.
Richmond, D.	de Ros, L. Forester, L. Gordon of Drumearn, L. [<i>Teller.</i>]
De La Warr, E.	Harlech, L.
Dundonald, E.	Hartismere, L. (<i>L. Henniker.</i>)
Mount Edgcumbe, E.	Inchiquin, L.
Nelson, E.	Silchester, L. (<i>E. Langford.</i>)
Stanhope, E.	Skelmersdale, L.
Stradbroke, E.	Stewart of Garlies, L. (<i>E. Galloway.</i>)
Cranbrook, V.	Hutchinson, V. (<i>E. Donoughmore.</i>)
Hawarden, V.	[<i>Teller.</i>]
	Winmarleigh, L.

NOT-CONTENTS.

Airlie, E. [<i>Teller.</i>]	Elgin, L. (<i>E. Elgin and Kincardine.</i>)
Camperdown, E.	Leigh, L.
Northbrook, E.	Oxenford, L. (<i>E. Stair.</i>)
Strathmore and Kinghorn, E. [<i>Teller.</i>]	Stratheden and Campbell, L.
Balfour of Burleigh, L.	
Boyle, L. (<i>E. Cork and Orrery.</i>)	

Resolved in the Negative.

Lord Balfour of Burleigh

A further Amendment made: Bill to be read 3^d on *Thursday* next; and to be printed, as amended. (No. 130.)

THE EARL OF AIRLIE said, he would not, after this Division, proceed with the other Amendments of which he had given Notice. He would, however, say that in the Division all the Scotchmen in the House, except the noble Duke the Lord President, and the noble Earl the Mover of the Bill, had voted for the Amendment. He should take the sense of the House upon it again when the Bill reached its next stage.

House adjourned at Seven o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 26th June, 1879.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Charity (Expenses and Accounts)* [221]; Industrial Enterprise (Ireland)* [222].

Committee—Army Discipline and Regulation [88]—R.P.; Volunteer Corps (Ireland) (re-comm.) [200]—R.P.

Third Reading—Customs and Inland Revenue* [150], and passed.

Withdrawn—Public Health Act (1875) Amendment* [33].

NOTICE OF RESOLUTION.

METROPOLITAN BOARD OF WORKS (WATER EXPENSES) BILL.—[BILL 204.]

(*Sir James M'Garel-Hogg, Sir Charles W. Dilke, Mr. Rodwell.*)

NOTICE OF RESOLUTION ON SECOND READING.

MR. MONK: In consequence of the hon. Member for Midhurst (Sir Henry Holland) and the Chairman of Ways and Means (Mr. Raikes) having withdrawn their opposition to the Metropolitan Board of Works (Water Expenses) Bill, I beg to give Notice that on the Order of the Day for the Second Reading of the Bill I shall move—

"That, in the opinion of this House, no justification is shown in the Bill for the large

expenses incurred by the Metropolitan Board of Works in the preparation and in the abortive promotion of the two Bills for which they ask for an indemnity from Parliament."

QUESTIONS.

THE ENDOWED SCHOOLS ACTS—THE CONTINUANCE BILL.—QUESTION.

SIR UGHTRED KAY-SHUTTLEWORTH asked the Vice President of the Committee of Council on Education, When he proposes to introduce the Bill to continue the Endowed Schools Acts which expire on December 31st next; for how many years the Bill will renew these Acts; and, whether it will continue them without alteration?

LORD GEORGE HAMILTON, in reply, said, the Government intended to continue the Acts; but he could not exactly state when the Bill relating to their continuance would be introduced. Until it was introduced, he did not think it was desirable to go into the details; but he might state, as he had stated before, that the Government did not contemplate any change either in the constitution or authority of the Commission.

THE LATE PRINCE IMPERIAL.

QUESTIONS.

MR. O'DONNELL asked the Secretary of State for War, Whether, when the military authorities accepted the services of His Highness the late Prince Imperial in South Africa, any instructions were given as to the functions and position of His Highness at the seat of war; whether he has seen a statement in the "Daily News" special correspondence of the 20th instant, that, reconnoitring with a small party eight miles in advance, His Highness was surprised by the enemy while dismounted, and the escort "dispersed at a gallop when a volley was fired;" and, whether he will inquire if the attack upon the Prince's party occurred in the neighbourhood of four large native villages burned by the British troops a few days previously?

The following Questions on the subject also stood on the Paper:—

SIR WILLIAM FRASER.—To ask the Secretary of State for War, Whe-

ther he will lay upon the Table of the House a Copy of the Correspondence relating to the late Prince Imperial leaving this country for the seat of war; whether he will state the precise position of the Prince in, or in connection with, Her Majesty's Army; and, whether he will give at once, or so soon as they can be ascertained, the name and rank of the Officer by whom the Prince was put in orders on the 1st of June for the specific duty in the performance of which he lost his life?

SIR HENRY HAVELOCK.—To ask the Secretary of State for War, with reference to the circumstances attending the lamented death of the late Prince Imperial, Whether he can inform the House what special instructions, if any, were issued by Lord Chelmsford on the occasion of the Prince leaving his head-quarters to join those of Brigadier General Wood; as to the particular duties on which the Prince was, or was not, to be employed; also what instructions were issued to those under whom he was serving as to the precautions to be taken to prevent his incurring unnecessary risk not called for either by his position or the requirements of the Service; and, if he is unable to give the House any information on these subjects, whether he will cause inquiries upon them to be addressed to Lord Chelmsford with a view of eliciting facts with regard to which a deep interest is felt in this House and the Country?

MR. P. J. SMYTH.—To ask the Secretary of State for War, Whether a rigid inquiry will be instituted into the circumstances immediately attending the melancholy death of the Prince Imperial?

COLONEL STANLEY: I will, Sir, with the permission of the hon. Gentleman who has addressed the Question to me, endeavour to answer the Questions of the hon. Members for Kidderminster (Sir William Fraser), Dungarvan (Mr. O'Donnell), Westmeath (Mr. P. J. Smyth), and Sunderland (Sir Henry Havelock), respecting the late Prince Imperial, at the same time. There is no Correspondence to be laid on the Table. The only official letter I can find is one from Lord Chelmsford, dated the 21st of April, in which he reports, in so many words, that Prince Louis Napoleon having expressed "a desire to accompany my head-quarters into Zululand, I have

attached him to my Staff." And here I wish to correct an answer I gave in reply to a Question put to me without Notice by the right hon. Baronet the Member for Tamworth (Sir Robert Peel) on Friday, in which I stated that I was not aware that the late Prince was attached to the Staff, but that I knew he was with the head-quarters. Of course, when I answered thus, I meant to say I did not know he was appointed to the Staff. I believed he was attached as an extra *aide-de-camp*, with free forage and rations, just as any person in his position would probably have who was so attached. The letters read by my illustrious Colleague (the Duke of Cambridge) in "another place," together with the telegrams published, give all the information of which I am personally in possession. I have only to say that a telegram was sent on the 23rd instant to Sir Garnet Wolseley, asking that the fullest information on the subject should be sent without delay, and also an explanation of how the surprise occurred. I am not able to say, in reply to the hon. Member for Dungarvan (Mr. O'Donnell), whether it be true that the attack upon the Prince's party occurred in the neighbourhood of four large Native villages burned by the British troops a few days previously. Perhaps, with your permission, Sir, and that of the House, I may say that some extracts from private letters of Lord Chelmsford to Lady Chelmsford have, with the permission of some of his relatives, been placed in my hands, and I believe also in those of other hon. Members of this House. I believe it is desirable that I should read them, as they throw the fullest light, or rather all the light that is at present attainable, upon this painful subject. The first is dated from Durban, on the 11th of April. It says—

"I have placed the Prince Imperial on my Staff. He is very pleased. He is immensely keen to see some active service. I like him from what I have seen of him very much. I shall treat him in precisely the same way as I should any other of my *aides-de-camp*, and I am sure it is what he himself would prefer."

On April 14, Lord Chelmsford writes—

"The Prince seems pleased that I asked him to come on my personal Staff. He has quite accepted the position of *aide-de-camp*. I hope his health will stand it, as it would be a serious responsibility if it broke down. He appears to be a good, keen soldier."

Sir William Fraser

The next letter is from Pietermaritzburg, on the 20th April, and says—

"I arrived here on the 17th. The Prince Imperial accompanied me. He had been unfortunately laid up with fever at Durban, and the jolting of the carriage and the heat of the sun rather knocked him up. I am afraid he is not naturally very strong, and I very much doubt if he will be able to stand the long rides we have in store for him if he follows me wherever I go. However, he is bent on it, and has plenty of courage."

Lord Chelmsford goes on to say—

"I am, for the first time since I held this command, going to take a doctor with me, in order that he may look after the Prince. His name is Dr. Scott."

He next writes from Colenso, Natal, on the 26th of April—

"The Prince was not allowed to leave Pietermaritzburg with me, as he has been suffering from fever. I am expecting him, however, to join me very shortly."

And he writes from Dundee on the 30th of April—

"We arrived here yesterday afternoon, and managed to get our tents pitched before the thunderstorm. The Prince and the doctor caught us up at Ladysmith. The Prince appears quite well. The air is cool and pleasant, and I hope the open air will do him good."

From the same place, 17 miles from Utrecht, on the 6th of May, he says—

The Prince accompanied me to Kambula, which soon knocked him up, and he had a slight attack of fever."

The last letter is written from Utrecht, and is dated the 21st of May. I received it yesterday. It says—

The Prince Imperial went on a reconnaissance, and very nearly came to grief. I shall not let him out of my sight again if I can help it."

But Lord Chelmsford does not mention with whom he went when the attack took place. This is all the information I can give. In conclusion, I hope I am not out of Order in pointing out that the relatives of Lord Chelmsford have given us the amplest information which was in their possession.

POST OFFICE—VICTORIA—MAIL SERVICE *via* GALLE OR COLOMBO TO MELBOURNE.—QUESTION.

MR. J. HOLMS asked the Secretary of State for the Colonies, Whether Her Majesty's Government are cognizant of the terms of the arrangement or contract made between Mr. Graham Berry, Prime

Minister of Victoria, and the Peninsular and Oriental Steam Navigation Company, for a Mail service *via* Galle or Colombo to Melbourne; whether that arrangement or contract is conditional on the ratification by the House of Commons of the East India and China Contract; and, whether any Correspondence has passed between the Government and Mr. Berry on the subject; and, if so, whether the Government will place a Copy of such Contract and Correspondence upon the Table of the House?

SIR MICHAEL HICKS-BEACH: Sir, the Contract between the Government of Victoria and the Peninsular and Oriental Company was not communicated to us by the Government of Victoria; but I have obtained a copy of it. The conditions of that Contract are a matter for the parties to it, and I must decline to express an opinion as to the circumstances under which it might or might not be binding. But I have no objection to lay a copy of the Contract on the Table, with the Correspondence between the Colonial Office and Mr. Berry on the subject.

HIRING FAIRS (SCOTLAND).

QUESTION.

MR. BAXTER asked the Lord Advocate, If his attention has been called to the serious evils caused by Hiring Fairs or Foeing Markets in Scotland; and if he will consider, during the Recess, the possibility of remedying them, by altering the Law relative to half-yearly engagements or otherwise?

THE LORD ADVOCATE (MR. WATSON), in reply, said, that some years ago his attention had been called to the fact that the meeting of parties at those fairs had often led to excessive social indulgence, and also to immorality, and he should be most happy to consider the subject. But, at the same time, he must intimate that he had the greatest doubt whether the evils referred to in the Question would ever be cured by legislation. The subject was an exceedingly difficult one, because it was by those meetings that agricultural labourers were able to regulate the labour market in their districts, and the very greatest care was required in dealing with anything which so nearly affected the relations between the employers and the employed.

AGRICULTURAL STATISTICS — THE
WEEK'S CORN AVERAGES.
QUESTION.

Mr. FOLJAMBE asked the President of the Board of Trade, If he will state, with reference to the Return of Weekly Averages of Agricultural Produce, on what bases the highest and lowest weekly corn averages were calculated; and, whether the yearly average was calculated on the difference between the highest and lowest weekly average of the year, or on the general weekly averages throughout the year, and from what markets, metropolitan or provincial, were the averages compiled?

Mr. J. G. TALBOT: Sir, the corn averages in the Return of Weekly Averages of Agricultural Produce are those published weekly and annually in *The London Gazette* as directed by the Acts for that purpose. Those now in force are 5 *Vict.* s. 2, c. 14, and 27 & 28 *Vict.* c. 87. The basis of the weekly average is the division of the aggregate proceeds of all the sales by the aggregate of quantities sold. The yearly average is not the difference between the highest and lowest weekly average of the year, but is made up from the Returns of all the weeks throughout the year. The averages are compiled from all the markets prescribed by the Acts, Metropolitan and Provincial together.

RAILWAYS—CONTINUOUS BRAKES.
QUESTION.

Mr. J. W. BARCLAY asked the President of the Board of Trade, If he will take measures to give greater publicity to the conditions regarding continuous brakes which the Board of Trade consider to be essential for the public safety in order that the public generally may know what these conditions are?

Mr. J. G. TALBOT: Sir, all the Board of Trade Papers with regard to continuous brakes have been very recently laid before Parliament and circulated, and we hardly know how to give more publicity to our opinion on this subject. We are thinking, however, of calling the attention of the Railway Companies to the important debate which took place on the 13th of June, from the tone of which, and especially from the speech of my noble

Friend (Viscount Sandon), it must be clear that the Railway Companies cannot any longer neglect to take action upon a matter which so largely affects the public safety.

SOUTH AFRICA—THE ZULU WAR—
OVERTURES FOR PEACE—DETENTION OF MESSENGERS.—QUESTION

Mr. RICHARD asked the Secretary of State for the Colonies, Whether his attention has been called to a letter in Monday's "Daily News," in which it is stated, partly on the authority of Bishop Colenso, that two well-known Zulu messengers, who had been sent with "a most conciliatory message from Cetewayo," had been imprisoned and kept in prison for seven weeks; that during the last four months Cetewayo had made repeated overtures for peace, and that in more than one instance his messengers had been treated with great indignity; and, whether the Right honourable Gentleman can give any information to the House to confirm or contradict these statements.

SIR MICHAEL HICKS-BEACH: Sir, I have communicated to the House, from time to time, such information as I have received with respect to overtures for peace which it was stated had been made by Cetewayo. I do not know that "in more than one instance his messengers have been treated with great indignity." I have heard from a despatch received a few days ago from Sir Henry Bulwer, that two messengers were improperly detained in March last for a considerable time, owing to some mistake; but I believe that, when dismissed, they expressed themselves as grateful for the kind treatment they had received.

TRAMWAYS—WANTAGE TRAMWAY—
QUESTION.

Mr. J. COWEN asked the President of the Board of Trade, Whether it is by permission of that Board that the Wantage Tramway has its rails above the road, in violation of the Act of the 33rd and 34th Victoria, cap. 78, sec. 25, which requires that every Tramway—

"Shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road?"

MR. J. G. TALBOT: Sir, I am informed that at the time of the inspection of the tramway at Wantage, before it was opened, the rails were found to be laid level with the road. The Board of Trade have not given, and have no power to give, permission to the promoters of a tramway to lay the rails above the level of the road. The maintenance of the road between the rails and 18 inches on each side of them lies with the Tramway Company; and if they fail in their duty, the road authorities, if they think fit, may themselves, after seven days' notice to the Company, do the necessary work at the expense of the Company.

**SOUTH AFRICA—THE ZULU WAR—
EXCESSES OF BRITISH TROOPS.
QUESTION.**

MR. JUSTIN M'CARTHY asked the Secretary of State for the Colonies, If he has seen the letters published in the "Natal Mercury" of April 30th and May 2nd, and other South African papers, from Captain D'Arcy, of the Light Horse, and Commandant Schermbrucker, in which the following passages occur:—

"The next day our coloured brothers came on and attacked the camp in numbers from 20,000 to 23,000, and after six hours' hard fighting they bolted. We killed a little over 2,300, and when once they retired all the horsemen in camp followed them for eight miles, butchering the brutes all over the place. I told the men, 'No quarter, boys, and remember yesterday.' And they did knock them about, killing them all over the place."—(Capt. D'Arcy.)

"For fully seven miles I chased two columns of the enemy, who tried to escape over the Umvolozzi, but I came beforehand, and pushed them off the road. They fairly ran like bucks, but I was after them like the whirlwind, and shooting incessantly into the thick column, which could not have been less than 5,000 strong. They became exhausted, and shooting them down would have taken too much time; so we took the assegais from the dead men and rushed among the living ones, stabbing them right and left with fearful revenge for the misfortunes of the 28th ult. No quarter was given."—(Commandant Schermbrucker.)

And, whether these officers belong to the local volunteer force, and to what authority they are responsible?

SIR MICHAEL HICKS-BEACH: Sir, I have seen the first of the letters quoted by the hon. Member, which was stated in the papers to have been written by Captain D'Arcy, who is given as belonging to the Natal Light Horse; but

I do not know anything more of him. I cannot find any letters of the latter officer. I believe he is engaged with the Colonial Force in Natal. I believe both officers are brigaded with the Regular Forces, and, as such, are subject to the Articles of War and responsible to the General in command of the Army.

**ANTI-RENT AGITATION (IRELAND)—
TENANT RIGHT MEETING AT MILL-
TOWN.—QUESTION.**

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If he will inform the House on what authority he has formed his belief that the persons who took part in a recent tenant right meeting at Milltown, in the county of Galway, "were not tenant farmers, and were unconnected with the neighbourhood;" and, whether he will lay upon the Table of the House, Copies of the Instructions given to Colonel Bruce, Deputy Inspector General of Constabulary, and the constabulary authorities in the west of Ireland, in reference to the land agitation going on in that part of the country, so as to enable the House to express an opinion on the subject?

MR. J. LOWTHER: The belief to which I gave expression, in reply to a Question put to me without Notice on Monday last, was to the effect that some of the persons who took a part at the meetings referred to were not connected with either the neighbourhood or with land. I formed that opinion from the various sources of information to which I had access. As a matter of fact, I find upon further inquiry that I might have gone a good deal further, and have said that a great proportion of the speakers at the meeting at Milltown, to which especial reference was made, were in no respect fairly representative of the tenant farmers of the district. I find, for instance, that the first resolution was moved by a clerk in a commercial house in Dublin, and seconded by a person who is stated to be a discharged schoolmaster. Another resolution was moved by a convict at large upon a ticket-of-leave, and seconded by a person who is described as the representative of a local newspaper—and so on. I find, therefore, my first impression more than confirmed. It is, however, unfortunately the case that many tenant farmers were induced to

attend the meeting and applaud the very objectionable sentiments uttered by the speakers, and thereby, no doubt, so far have involved the neighbourhood in responsibility for what occurred?

MR. O'CONNOR POWER: The right hon. Gentleman has not answered the second part of my Question.

MR. J. LOWTHER: I beg pardon. I omitted to say that I am unable to lay a Copy of the instructions given to Colonel Bruce upon the Table, as such documents are always regarded as confidential. I gave the other night a fair summary of them, or, rather, I should say, the substance of the duties Colonel Bruce will have to discharge; and it would not be in the interest of the public service to go further than that.

MR. O'CONNOR POWER regretted to be reluctantly obliged to move that the House do now adjourn. ["No!"] He did so for the purpose of being enabled to state briefly that the information on which the right hon. Gentleman the Chief Secretary had based his opinion on the general character of that meeting was not correct. He begged leave to contradict, in the most direct manner, the statements which had been communicated to the right hon. Gentleman, who had thus been made the channel for misrepresenting the character of that meeting. He would move the adjournment in order that he might put the House in possession of the exact position of affairs in regard to that matter. The right hon. Gentleman commenced by stating that the first resolution was moved by a clerk in a Dublin firm; but he did not inform the House that that resolution had nothing whatever to do with the land question. The right hon. Gentleman had carefully and studiously suppressed that important fact. ["Order!"] There were three resolutions passed at that meeting. The first resolution dealt with the question of national self-government; and it was true that it was moved and seconded by gentlemen who had no claim to be considered tenant farmers. The right hon. Gentleman then said that a subsequent resolution was moved by a man who was a convict at large under a ticket-of-leave, but whom he (Mr. O'Connor Power) would venture to describe as a man who had suffered long years of penal servitude because he had had the courage to resist inhumane English rule

Mr. J. Lowther

in Ireland. Although this gentleman did not hold land himself, he was the son of a tenant farmer, and his relations and friends, very numerous in the county which he (Mr. O'Connor Power) had the honour to represent, were all connected with the land. The suggestion that that gentleman was not fitted to expound the grievances of his countrymen because he did not hold land was simply absurd. The right hon. Gentleman gave a striking misrepresentation of the position occupied by the gentleman who seconded the resolution. He said he was connected with a newspaper; but he was a very well-known tenant farmer, and, what was still more to the point, when the Committee sat upstairs to inquire into the working of the Bright Clauses, Mr. Daley, the gentleman referred to, was summoned before the Committee, and gave evidence which was regarded as very valuable and very instructive in reference to the tenure of land in Ireland. Well, there was a third resolution passed at this meeting—

[From the time when the hon. Member stated his intention to move the adjournment of the House, and it appeared probable that a debate was about to be raised, hon. Members ceased to pay attention to the hon. Member's remarks, and conversation became so general and so loud that the hon. Member could with difficulty be heard.]

MR. PARNELL rose to Order. [The interruption continued.] He would be unable to state his point of Order so long as the conversation which was being kept up by hon. Members opposite was sustained. He requested that he might be enabled to address Mr. Speaker, and communicate his point of Order. He asked whether it was in Order for hon. Members on the opposite side deliberately to enter into conversation in so loud a tone as to drown the voice of a speaker who was desirous of addressing the Chair? The fact of which he spoke was patent to everybody. Even at that moment he could scarcely hear his own voice, so loud was the din and so persistent the conversation of hon. Members opposite. Such a course was tantamount to obstructing the freedom of speech; because, if hon. Members were prevented by the conversation of their fellow-Members from having their sentiments heard by the Chair, it would be impossible for

freedom of debate to be maintained. He, therefore, wished to know whether Mr. Speaker permitted hon. Members to address him on a subject which was perfectly in Order, and yet allowed persistent interruptions from hon. Members opposite, who were indulging in conversation openly to put an end to discussion?

MR. SPEAKER: The hon. Member for Meath has risen and addressed the House on a point of Order. What has occurred is this. The hon. Member for Mayo put a Question to the Chief Secretary for Ireland, and received an answer. The Question was fully answered. The hon. Member for Mayo thereupon rose in his place and notified to the House that, not being satisfied with the answer, he should conclude with a Motion—and I presume that he intended to move the adjournment of the House. As the House is aware, every Member of this House has the privilege of moving the adjournment of the House at the time of Questions; but I am bound to say that if the privilege of moving the adjournment of the House when a Member is not satisfied with an answer which he receives should become a practice, that privilege will have to be restrained by the House.

MR. O'CONNOR POWER said, he assured Mr. Speaker, as he stated at the outset, that he moved the adjournment of the House with very great reluctance, and he appealed in confirmation of that statement to his general conduct as to whether he would take such a course without just cause. ["Order! Oh, oh!"] He was only proceeding to show that the right hon. Gentleman the Chief Secretary for Ireland had a second time made statements in that House which carried great weight in the country, but which were unfounded. He should be wanting in his duty to his constituents and to his country, if he allowed the statements of the Chief Secretary for Ireland to pass unchallenged. He was anxious to avail himself of the present occasion—

["Order, order!"]

[Much disorder prevailed throughout the remainder of this discussion.]

MR. NEWDEGATE said, that, as a question of Order, he begged to ask the Chancellor of the Exchequer, as the Leader of that House, whether he did not intend to support the intimation that had just been given from the Chair?

THE CHANCELLOR OF THE EXCHEQUER rose to speak, but was received with cries of "Order!"

MR. SPEAKER: I understand that the right hon. Gentleman rises to a point of Order.

MR. SULLIVAN asked, as a point of Order, whether the speech of the hon. Member who was in possession of the House could be interrupted by a Question?

MR. O'CONNOR POWER and the CHANCELLOR of the EXCHEQUER rose together.

MR. SPEAKER called upon the CHANCELLOR of the EXCHEQUER.

THE CHANCELLOR OF THE EXCHEQUER: It seems to me, Sir, that this House is allowing itself, at the instigation of a small number of Members, to fall into practices which are entirely destructive either to the liberties of the House or to the Order of the House. I understand that the Rules of the House have been framed with a view to their giving to Members the greatest possible latitude, and, at the same time, on the understanding—

MR. MITCHELL HENRY: Mr. Speaker, I rise to Order. [Cries of "Order!"]

MR. SPEAKER: The right hon. Gentleman the Chancellor of the Exchequer has himself risen on a point of Order.

MR. MITCHELL HENRY: I, Sir, also rise to a point of Order. [Continued disorder.]

THE CHANCELLOR OF THE EXCHEQUER: I understand that when a Member is speaking to Order he has a right to be heard upon Order, and that he ought not to be interrupted in the course of his remarks—although, of course, his remarks may be answered by anyone who wishes to answer them. I am reluctantly obliged to make some remarks in consequence of the appeal which has been made to me, and of which I am bound to take notice, and also in consequence, I must say, Sir, of the apparent disregard of your authority.

MR. MITCHELL HENRY: Again, I rise to Order. ["Order!"]

MR. SPEAKER: These interruptions are altogether disorderly. The right hon. Gentlemen the Chancellor of the Exchequer has risen, as I understand, to a point of Order.

MR. SULLIVAN: What is the point of Order?

MR. SPEAKER: The right hon. Gentleman the Chancellor of the Exchequer is in possession of the House, and these interruptions are altogether disorderly.

MR. PARNELL rose, but the cries of "Order!" and "Sit down!" were so overpowering that the hon. Member resumed his seat.

THE CHANCELLOR OF THE EXCHEQUER: If any illustration were wanting of the remark which I felt it my duty to make, that illustration is afforded, Sir, by hon. Members who have sat for some time in this House disregarding—"No, no!"—or, at all events, appearing to disregard—your repeated rulings by rising to interrupt me when I have been ruled by you to be in Order. My hon. Friend the Member for North Warwickshire (Mr. Newdegate) asked me whether I was prepared or not to support the ruling which you recently laid down. [An hon. MEMBER: No ruling.] I am not aware whether my hon. Friend used the word "ruling;" but you, Sir, undoubtedly did rule a point on which you were appealed to. The ruling of Mr. Speaker is this. [Several hon. MEMBERS: No ruling.] The ruling was—that it is in Order for any Member of this House, during the time of Questions, to move the adjournment of the House. But, on the other hand, you, Sir, proceeded to say that if this privilege was taken advantage of to raise a discussion upon every occasion when any Member may be dissatisfied with the answer he has received to a Question, it would be necessary that some steps should be taken to restrain that privilege. That I understand to be your ruling. Well—I am asked whether I propose to take any steps to support that ruling? The point is one which involves this difficulty. It must be met either by moving some new Resolution—by moving some some new Order—or by taking steps to enforce the observations of the Speaker against those who appear inclined to disregard them. I am reluctant, without absolute necessity, to propose a new Resolution—I am reluctant to propose a Resolution which would curb and limit the liberty of Members of the House generally on account of an abuse which, I hope, is confined only to a few. It may be necessary; we may be driven to it. ["Order!"] I believe I am speaking to Order. I am answering a Question. It is not, at the present

moment, my intention to move a new Standing Order; but I think it will be my duty to take notice of the conduct of any Gentleman who, after having his attention called to the fact that he is interrupting and delaying the Business of the House, persists in doing so, without any special object to bring to the attention of the House. It may be necessary that we should call the attention of the House to the conduct of any such Member, and to submit to the House—[*Cheers.*] [An hon. MEMBER: Do your best.]

MR. MITCHELL HENRY: I rise, Sir, to ask you a Question,—whether it is in accordance with the Rules of the House, that when an hon. Member is in possession of the House, and is addressing it in the exercise of his discretion—whether rightly or wrongly I do not say—that another hon. Gentleman should get up and address a Question, not to you, Sir, but to another hon. Member—even though the latter be so distinguished as the Leader of the House? I submit that that is entirely out of Order.

MR. SPEAKER: In answer to the Question of the hon. Gentleman, I may say that it would, no doubt, have been more in accordance with the Rules of the House, if the appeal of the hon. Member for North Warwickshire had been addressed to the Chair.

MR. SULLIVAN: If I may be allowed to say a word on the point of Order—I would state that we ought to be extremely careful that we do not allow this scene to pass into one of those displays which sometimes harm us in public estimation.

MR. SPEAKER: Is the hon. and learned Gentleman speaking to a point of Order?

MR. SULLIVAN: Yes, Sir. I desire to say to the House that no observations shall fall from me in the slightest degree calculated to increase any heat that may have been displayed. I should be the last in the House to interrupt. My point of Order is this—I did not wish to interrupt the Chancellor of the Exchequer by rising when he was speaking. I did it once, but not a second time; but the right hon. Gentleman rose to answer a Question—as he candidly said himself—put to him on the other side. I called out, and said, "What is the point of Order?" The Leader of the House interrupted the debate, and sat down without naming his point of

Order, or submitting to you any point of Order, and was, therefore, himself not in Order. My point of Order is—whether it is not the fact that the only Members of the House who have broken the Rules of the House this evening are the Chancellor of the Exchequer and the hon. Member for North Warwickshire?

MR. SPEAKER: The hon. and learned Gentleman is clearly not speaking to a point of Order, but is asking me whether certain things done by individual Members were orderly.

MR. O'CONNOR POWER: If hon. Gentlemen had only been willing to extend to me the rights which, during this Session, have frequently been extended from this side of the House to the other, I should by this time have finished my case, and we might have proceeded with Business. I wish to say, in answer to the remarks of the Chancellor of the Exchequer, that his dark reference to what the House may be called upon to do against an individual Member shall have no effect whatever in deterring me from saying what I rose to say. [*Interruption.*] Until the highest authority in this House commands me to be silent, I shall not be silent until I have made my speech.

MR. SPEAKER: The hon. Member is not entitled to use language of menace to this House. And, if he will allow me, I must caution him against abusing further the privilege afforded by this House by moving the adjournment of the House; and I trust he will be more measured in his language.

MR. O'CONNOR POWER: I shall accept the ruling of the Chair, when I get the ruling of the Chair. I shall not accept the ruling of the Chancellor of the Exchequer, or that of the hon. Member for North Warwickshire.

MR. NEWDEGATE rose — [*"Order!"*]

MR. SPEAKER: Does the hon. Member rise to speak to a point of Order?

MR. NEWDEGATE: Yes, Sir. I beg to move, as a point of Order, that the conduct of the hon. Member for Mayo is disrespectful to the Chair— [*"Order!" and Cheers.*]

MR. SPEAKER: The hon. Member has not risen to a point of Order. [*Cheers.*]

MR. O'CONNOR POWER: I had proceeded to a certain point of my remarks with the purpose of exposing the misrepresentation which the Chief Secre-

tary for Ireland unconsciously made, when the hon. Member opposite rose to Order. The right hon. Gentleman's description of the object of the meeting totally misrepresented the demand put forward by the people of Ireland for a reform of the landed system in that country. If my constituents are branded before the country as Socialists and Communists, I am bound, as their Representative, to denounce the accusation as a calumny; and I should fail in my duty as a Member of this House, if I allowed that misrepresentation to pass unchallenged. The Chief Secretary has given great dissatisfaction before in answering Questions, and now he says, in reply to my Question, that he will not lay on the Table copies of the Instructions that have been given to the constabulary authorities in the county which I represent. What does all this mean? The demands for reform are made in a peaceable and orderly manner. They are rejected; and when an agitation arises, the Government are ready to put it down at the point of the bayonet. The Government inaugurate a Reign of Terror in the County of Mayo, and hope to drown the voice of the people of Ireland. The policemen sent to Mayo may drown the voice of the people of Mayo; but the voice of the people's Representatives shall be heard to accuse the Government of adopting a policy which is a direct encouragement to revolution and assassination. I say that if you reject the demand for reform, and send armed soldiers to put it down, you are encouraging assassination. The Chief Secretary, as a 'prentice politician, is sent over to try his 'prentice hand on Ireland before going to another Department; but if he fancies that the people of Mayo will submit to his dictation and coercion, he has mistaken their character. And if the hon. Member for North Warwickshire, who seems to be busy at this moment in framing a Coercion Code for my particular benefit, thinks he will abridge my remarks by his performance, he has mistaken me. Hon. Members have availed themselves of the liberty to move the adjournment of the House on the most trivial questions affecting individuals; but when an Irish Member comes forward to protest against a Reign of Terror and Coercion, and to say that it must lead to conspiracy and assassination, then a hostile opinion is manifested.

I do not know that this has succeeded on any former occasion, and I doubt if it will succeed now. I should like to call the attention of the House to the first resolution moved at this meeting, for the purpose of showing the peaceable and orderly character of that resolution. It was simply a proposition to make the cultivators of the soil the owners of the soil—which is neither revolutionary nor Communistic. It has been carried out on the Continent and in the Channel Islands, and on several hundred farms in Ireland. The matter is being agitated because of the oppressive working of the land system. [*Interruption.*] We have been appealed to in this House to make a statement of what are called political grievances rather than to enter into a discussion on abstract principles; and it is in consequence of that that I have thought it necessary to quote *in extenso* the first resolution that was passed; and I shall now invite the attention of the House to the second resolution. The second resolution was moved by a tenant farmer of the parish, and it declared that in consequence of the reduced value of farming and the succession of bad seasons it would be impossible for the tenants to pay the full rents. In the course of his speech, this gentleman mentioned several instances of landlord oppression. The third resolution was simply a protest against the increase of rents in the present state of depression in Ireland. And this is what is described as Socialism! Surely, it is time that someone should protest against the way in which Ireland has been misrepresented in the English Press, and even in statements emanating from the Treasury Bench.

MR. BOORD: I rise to Order. I wish to ask you, Sir, whether the hon. Member is in Order? I am one of the nearest to him on this side of the House, and, from what I can hear, it appears to me that he is discussing proceedings which took place at a certain meeting in Ireland, and I ask whether he is in Order in doing so? And, further, I ask what is the Question before the House?

MR. O'DONNELL: I rise to speak on that point of Order—

MR. SPEAKER: I have already intimated that the hon. Member is not, strictly speaking, out of Order; but I also pointed out the great inconvenience, if not irregularity, of the proceedings

now taking place. It is obvious from the observations made by the hon. Member for Mayo that it was his deliberate purpose to raise a debate upon the answer he received to his Question addressed to the Chief Secretary for Ireland.

MR. O'CONNOR POWER: Mr. Speaker, the third Resolution—[“Oh, oh!”]—spoke of the distress in Ireland, and the mover said that to his personal knowledge some of the tenants had sold their bed and bedding; and he added that if the landlords were wise in their generation they would endeavour to avert the prospective catastrophe by reducing their rents and giving some employment to their tenants. I admit that the agitation is a grave agitation. I admit that it is an agitation which the Government are bound to notice. But when the people asked for bread and the Government answered their appeal by bullets, they will be held responsible for the peace of the country. The hon. Member, having read an extract from a letter of a parish priest, and referred to the moderate tone in which the resolutions were worded, proceeded to say: I trust that the effect of the humble but sincere protest I have made here this day will be to cause the right hon. Gentleman to be more careful as to the sources whence he derives his information, and to caution him and other Members of Her Majesty's Government against inaugurating a police rule, and, at the same time, denying the House an opportunity of pronouncing an opinion on the subject by refusing to produce the Instructions which have been given. If the Instructions I have asked for had had reference to something done in Zululand, the refusal to produce them would have been regarded as an arbitrary proceeding, which the House would not have tolerated. Let the Government take heed of the consequences of their rejection of the demands of the Irish people. They have been forewarned of the state of the country by the demands which have been made on behalf of the people of Ireland by their representatives, who are not now going to see the people robbed of the fruits of their industry on the one hand, and then bayoneted by the police on the other. A more hateful power than that of the Conservative Government and Party has never been experienced by my country, for the way in which they propose to deal with the Land Question is to shoot the

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people down—[“Oh, oh!”]—which they regard as the Constitutional remedy for the grievances of Ireland. The hon. Member concluded by moving the adjournment of the House.

MR. PARNELL, in rising to second the Motion of his hon. Friend the Member for Mayo, said, he did so because that the circumstances of the people in the West of Ireland were so desperate at the present moment that they could not allow things to go any further in the direction in which they were tending without bringing the matter before the House. The Chief Secretary had admitted the distress, but said it was not his intention to take any steps to remedy it.

MR. CHAPLIN: I rise to Order. I wish to know if the hon. Member is in Order in referring to a subject of which Notice has been given—namely, the agricultural distress in Ireland?

MR. PARNELL: I am referring more particularly to the mustering of the police at the present moment. The Motion of the hon. Member for Mid-Lincolnshire does not touch upon that question. He is an Englishman, and he is ignorant of what is being done in Ireland. [“Order!”]

MR. SPEAKER: The hon. Member for Mid-Lincolnshire rose to address the Chair upon a point of Order, and I think it is scarcely becoming on the part of the hon. Member for Meath to anticipate the decision of the Chair, and to state that the hon. Member for Mid-Lincolnshire is ignorant. I understand the hon. Member for Meath to be addressing himself to the points raised in the answer of the Chief Secretary for Ireland, and I am not prepared to say he is altogether in Order in the matter, because, in my judgment, the whole of these proceedings are certainly not altogether in Order.

MR. PARNELL regretted very much that what they had done that day did not commend itself to the judgment of the Chair; but what could the Members for Ireland do? Under the circumstances that had been stated it was their duty to bring this subject before the highest tribunal in the country—because if the Government persisted in assisting the Irish landlords to collect rack rents from the people at the point of the bayonet they would have murderous outrages in that district of the country—the people would be driven to desperation—and he warned them that if the Government

were supported in their course of oppressing these people consequences would follow that everybody must deplore. He wished he might deter the Chief Secretary from provoking a repetition of the scenes that occurred 25 years ago. He knew that Government had great power, but the people also had great power when right was on their side; and the people in Mayo and in the other counties of Ireland would stand justified in using every means of passive resistance that they could to the minions of the law, and asserting their right to live on the soil which God gave to them, where they were born, and where their children had a right to live.

Motion made, and Question proposed, “That this House do now adjourn.”—*(Mr. O'Connor Power.)*

THE MARQUESS OF HARTINGTON: I trust that this debate will not be further continued. I am perfectly aware I have no right to dictate, and I am sure I have no wish to attempt to dictate, to hon. Members from Ireland; but it is open to me, as it is open to any other hon. Member, to appeal to hon. Members from Ireland, who are as interested as any of us are in the preservation of the order and regularity of our discussions, and also in the maintenance of our privileges. I am not going to deny the importance—the great importance—of the subject which has been brought forward by the hon. Members for Mayo and Meath; but I wish to point out that the more important the question the more undesirable it is that it should be brought forward and discussed without Notice, when no hon. Member knew that the discussion was coming on, and when it was impossible that it could be discussed as the importance and magnitude of the subject demands. I regret that the hon. Member for Mayo should not only have disregarded, but should have appeared also to ignore, the recommendation and advice of the Chair. I am sure that the vast majority of the Members on this side of the House, from whatever part of the country they may come, desire to support and maintain the authority of the Chair; and I am quite sure we all regret that the hon. Member has not thought it incumbent upon him to pay—as in several instances he did not pay—the slightest attention to the advice of the Chair. We are equally interested

in the maintenance of our privileges. The right of moving, for a sufficient cause, the adjournment of the House, and of raising a discussion upon that question, is one which, no doubt, has great advantages. But it is quite evident that that privilege, as has been pointed out from the Chair, if abused, must be restrained; and I am sure we shall all hesitate long before we sanction any abuse of our privileges which may lead to this restraint. But, however anxious we may any of us be for Order, I think it is, above all things, desirable that we should be very sure of our ground in any such procedure. I regret that the hon. Member for North Warwickshire, who is to a certain extent the champion of the Order of this House, should, as it seems to me, have himself been guilty of interrupting the observations of an hon. Member who had been ruled by the Speaker to be in Order, by addressing a Question to an hon. Member who, however distinguished, does not possess any greater authority than any other Member of the House. I regret that intervention, because I think it added to the heat of the discussion, and I think it was more calculated to prolong than to abridge the discussion. But, Sir, I only rose to appeal very earnestly to hon. Members not to prolong this discussion, and to abstain as far as possible from what can, under any circumstances, be described as an abuse of a privilege of the House, which it is too evident may in the end be the cause of restricting that privilege.

THE CHANCELLOR OF THE EXCHEQUER: I wish to say only a very few words in support of the observations which have just fallen from the noble Lord opposite. I am sure it must be the feeling of everyone, on reflection, that we ought all to use our endeavours to promote the conduct of Business in this House, and to avoid as far as possible anything in the nature of recrimination or wrangling. It is, of course, most undesirable that we should attempt to fetter in any way the rights and privileges of Members of this House, and it would be a very extreme necessity which could in any circumstances compel the House to take steps to abridge that great privilege, which has always existed, of moving the adjournment of the House for a sufficient cause. But if there is anything that will endanger the continuance of this or any other privilege, it is,

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no doubt, any abuse of that privilege. It is very difficult to say what is the exact limit or the abuse of a privilege of this kind. We know that on this very evening it was notified by the noble Lord (the Marquess of Hartington) himself, that he might think it right to take advantage of that privilege to raise a discussion upon the question of Egypt. It is very difficult for any one Member to decide for another when a question is of sufficient importance to entitle that Member to avail himself of that privilege. On the other hand, when we see that we have every day before us the Order Book with 20 or 30 Questions upon it, and when we see that it is open to any Member upon any one of those Questions to raise a debate and carry off the House from the Business it is assembled to perform, we see that some restraint and some discretion must be observed in the use of that privilege, if we do not desire to lose it. We have a great safeguard in one of the chief institutions of this House—I mean in the authority and the advice of the Chair. It does seem to me that we have only one real safeguard against the abuse of our privileges short of taking them away, and that is in deferring to the impartiality and dignity which accompany the Chair, and listening with respect to its rulings. I think we fall very far short indeed of the respect we owe to you, Sir, and also short of wisdom in these matters, if we confine ourselves to saying that that which the Speaker does not rule to be absolutely and directly out of Order is therefore in Order, and may be indulged in, even though the Speaker warn the hon. Member that it is against the spirit and intention of the Rules of the House. I hope it may not be found impossible to let this matter drop at the point at which we have arrived. It would be a pity, after what has passed, that there should be any heated discussion. I think there is, and ought to be, but one desire and determination on the part of all to uphold the dignity and authority of the Chair; and that if you, Sir, at any time should feel it necessary to appeal to the House to support you in exercising that authority, you will always find, in all parts of the House, a readiness heartily to support you. I hope the House will take notice of the warning you have uttered this evening with regard to the abuse of the privileges of this House,

and that we shall be allowed now to proceed to other Business.

MR. JOHN BRIGHT: I am sorry, Sir, with most other hon. Members of the House, at the sort of disturbance that has arisen this evening, and I think hon. Members opposite ought to learn something from a mistake I think they have made during this evening. What is the fact? An hon. Member from this side of the House put a Question, of which he had given Notice, to the Chief Secretary for Ireland. The right hon. Gentleman gave an answer which was not flattering to the constituents of the hon. Member — and I must observe that I think Irish Members have good reason to complain, and frequently to complain, of the manner and tone, and sometimes even of the language, of the answers of the right hon. Gentleman. [*Cheers, and "No, no!"*] Hon. Gentlemen who differ from me are, of course, entitled to their opinion. I have heard nearly all those answers during this Session, and I am only expressing the opinion at which I have arrived. The hon. Member for Mayo said the answer was very unsatisfactory, and that the statements made by the Chief Secretary for Ireland were absolutely inaccurate, and, I think, he gave them a flat denial. Now, consider his position with regard to his constituents and the statements that were made. [*"Oh, oh!"*] I do not say it was a case in which he was bound to move the adjournment, or even one in which the majority of the House would be likely to make as much allowance for him as I should myself; but if there be that privilege and right, it does not appear to me that he took an extraordinary course. I do not say that I should have done it myself; but I have seen the same thing done from the other side of the House at times when there was certainly no more justification than there was to-night. But when the hon. Member for Mayo rose, for the purpose of making an explanation, and said that the answer of the right hon. Gentleman was absolutely inaccurate, what was he met with? Not with the slightest patience from hon. Gentlemen opposite. Immediately arose — on purpose, obviously — a hum and buzz of conversation from this end of the House and that — and the object was to drown the voice of the hon. Member for Mayo, and to make it impossible he should give

any answer to the statements of the Chief Secretary. If hon. Gentlemen opposite had been quiet, I believe that the hon. Member for Mayo would not have taken up the time of the House for more than five minutes with an explanation of facts which he thought desirable in the interest and for the character of his constituents; and then this matter would probably have passed, and we should have entered on the Business of the evening. I am surprised at the course adopted by so experienced a Member of the House as the hon. Member for North Warwickshire in proposing that now, on the spot, and at the instant, something should be done to put an end to this grievous irregularity which he charged on the hon. Member for Mayo. The hon. Member was in his right. If the adjournment of the House had not been moved on many other occasions during this Session, nobody would have complained; but the Motion has been made somewhat frequently of late, and, therefore, it is felt to be an inconvenience, and it may be that, if it be continued, it may absolutely become unendurable. I grant that. But the course to be taken was not upon the spot to ask the Speaker to take any steps which might shut the mouth of the hon. Member for Mayo, but to allow him to proceed; and then, if anybody thought that some steps should be taken, he could have put a Notice upon the Paper of the House, and the whole subject might have been considered by the House, or by a Committee in consultation with the Speaker. That would have been the proper course to take. But this conduct of refusing to hear in a case of this kind, when an hon. Member thinks the conduct and character of his constituents are attacked by the Chief Secretary for Ireland — this conduct which was pursued by hon. Gentlemen opposite was exactly that which led, and which necessarily led, to the unpleasantness which has occurred. [*"Oh!"*] I should recommend hon. Gentlemen opposite to have a little more patience. [*"Hear!" and "Oh!"*] The Chancellor of the Exchequer complains — no, he did not exactly complain — but he referred to the number of Questions on the Paper every evening. Well, they have grown to be very numerous, and they are very troublesome, no doubt, to right hon. Gentlemen who sit upon that Bench; but the great bulk of these

Questions are Questions necessitated by their own policy—[*Cheers, and cries of "Order!"*—the policy of the Government—[*"Order!"*—I say the policy of the Government, and particularly with regard to our affairs in almost every part of the world—[*"Order, order!"*]

MR. ONSLOW rose to Order.

MR. SPEAKER: I must point out to the right hon. Gentleman that upon the Motion for the adjournment of the House a discussion on the policy of the Government will scarcely be in Order.

MR. JOHN BRIGHT: Sir, I admit that what you say is perfectly true. At the same time I must remind the House I was only speaking in answer to an observation of the right hon. Gentleman the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman has entirely misunderstood me on this point. I never complained of the number of the Questions that are placed on the Paper of the House.

MR. JOHN BRIGHT: Then I have nothing more to say. I misunderstood the observation of the right hon. Gentleman, and I am sorry that I did so. I rose merely for the purpose of asking the House to have a little more patience with an hon. Member when he is addressing the House, even if the subject of his observations be considered inconvenient and unpalatable to the House. I have known scores of times when hon. Members opposite have offended in like manner, and I could point to hon. Members having seats on the Treasury Bench who have been not the least guilty in that respect.

LORD JOHN MANNERS: I cannot help thinking that it is somewhat unfortunate that, after the very temperate observations of the noble Lord the Leader of the Opposition and of the Chancellor of the Exchequer, the right hon. Gentleman opposite should have thought it necessary to make the remarks he has made. Still more do I think it unfortunate that the right hon. Gentleman should have thought it incumbent upon him to condemn in no-measured terms the language in which the right hon. Gentleman the Secretary to the Lord Lieutenant answers the Questions which hon. Members may put to him. I do not know what has happened in the course of the right hon. Gentleman's Parliamentary career which would give

him any title to criticize the tone of other hon. Members. The right hon. Gentleman has assumed that the Chancellor of the Exchequer made some complaint of the number of Questions of which Notice is given for every evening; but anything more extraordinary than such a misconception I cannot conceive. What the Chancellor of the Exchequer said was that if every hon. Member who had given Notice of one of the numerous Questions that were habitually put were, in the event of the answer not being satisfactory to him, to move the adjournment of the House and to raise a debate in reference to it, it would be impossible that Public Business could be properly conducted. That was a very natural and a very harmless remark for the Chancellor of the Exchequer to make. Why, therefore, the right hon. Gentleman opposite should have thought it necessary to rise and make the comments he has done passes my comprehension—unless he did so with the object of stirring up the waves which were on the point of being laid. I trust, however, that no such evil results will follow from the course which the right hon. Gentleman has taken, and that the advice given by the noble Lord and the Chancellor of the Exchequer will be followed, and that this debate will be allowed to die away without any resuscitation of angry and heated feelings.

MR. CALLAN hoped the debate would not be allowed to close without an authoritative declaration from the Chair, which in future would have the effect of preventing what he must call with regret a discrediting and discreditable scene. He considered that the conduct of the hon. Member for North Warwickshire and of the Chancellor of the Exchequer affected the rights and privileges of every Member of that House. It was laid down in Sir Erskine May's work on the *Law and Practice of Parliament*, that when a Member spoke to Order he should simply direct attention to the point complained of, and submit it, not to the Chancellor of the Exchequer, but to the decision of the House or of the Speaker. He complained that the hon. Member for North Warwickshire was censureable, because, instead of speaking to Order, he delivered a lecture to Members on that (the Opposition) side of the House, which he (Mr.

Mr. John Bright

Callan) considered uncalled for, but which he could not designate in the terms which he thought it deserved. The hon. Member spoke of the delay of Public Business in that House; but when had there been such a miserable waste of public time as that which occurred on Wednesday, when an entire day was wasted, and for which the Government was responsible? He hoped the Speaker would declare that the hon. Member for North Warwickshire was not in Order in appealing to the Chancellor of the Exchequer instead of to the Chair.

MR. NEWDEGATE, in reply to the observations that had been made on the course he had taken in first addressing the Speaker, and then calling the Chancellor of the Exchequer, as Leader of that House, to support the intimation the Speaker had given to the hon. Member for Mayo, that he was transgressing the Rules and practice of the House by his speech on the Motion for the adjournment of the House which he had announced that he would make, said that he had acted in accordance with the principles of the cardinal Rules of that House; that the House itself was the guardian of the Order of its proceedings. This matter had been considered by more than one Committee on the Public Business of that House and by the last. In this Assembly neither the Speaker nor any of his predecessors had, or had had, the original authority. The Speaker was the exponent of the authority of the House, and it followed that the Members who were recognized as the two Leaders of that House ought to be prompt in supporting not only his decisions, but the intimations and recommendations by which he often anticipated and prevented disorder. It appeared to him, and to others, that the manner in which the hon. Member for Mayo had disregarded the Speaker's intimation was disrespectful to the Chair. He, therefore, called upon the Leader of the House to support the dignity and authority of the Chair, and the right hon. Gentleman responded, though he (Mr. Newdegate) regretted to say, without much effect. He submitted, therefore, that the course he had taken was in accordance with the cardinal Rules which guarded the regularity of their debates and proceedings. He had opposed the proposals for investing any Speaker with original authority when

made in the Committee of Public Business, and he thought that anyone who had observed the recent proceedings in the French Chambers must feel that the President, who was invested with original authority, was encumbered with a heavy burden, and could scarcely avoid being drawn into debate—a circumstance which must expose his conduct to imputations of partiality whenever it occurred. He was reminded by this abuse of the privilege of moving the adjournment of the House when any hon. Member was dissatisfied with the answer he had received to any Question he might have put upon the Notice Paper and then asked in the House, and then move the adjournment and launched that House into a debate, for which none but himself were prepared, of a *dictum* of the Predecessor of the Speaker (Lord Eversley) "that the Rules of this House are founded in common sense." What was the meaning of each hon. Member being invested with this privilege of moving the adjournment of the House? It was this—that if any answer should be given, or any circumstance should occur, or statement be made in debate of such gravity that any hon. Member was of opinion that the House should have time to deliberate before coming to a decision upon it, he was empowered to move the adjournment of the House—a Motion upon which the House would decide, if necessary, by a Division. For he (Mr. Newdegate) held that there was nothing in what had passed on that occasion that could justify the adjournment of the House. The hon. Member for Mayo (Mr. O'Connor Power) had, however, used strong expressions as to the treatment which his constituents had, in his opinion, met with at the hands of the Government, and the hon. Member for Meath had been almost revolutionary in the threats he had uttered. It was his (Mr. Newdegate's) intention, therefore, to insist upon a Division on the question of adjournment now before the House. If those hon. Members were sincere in the substance of their speeches, and considered the expressions they had used justified by the circumstances, they were bound in honour to insist upon the Motion for adjournment; and the House would thus have an opportunity of expressing its opinion upon the manner in which its Business had been interrupted,

and, in his opinion, its time had been wasted; while the public would know who agreed with the two hon. Members in the course they had pursued.

MR. SHAW hoped the hon. Member for North Warwickshire would not carry out his threat of forcing a Division on the House, and that the disturbance might be allowed to end. He had been a silent listener to what had taken place, and his honest opinion was that the only persons who took part in this discussion who were thoroughly in Order were the Mover and Seconder of the Motion for adjournment. They were speaking within their right, and were so within the Speaker's ruling. He was sure that his hon. Friend the Member for Mayo was one of the last men in the House who would wilfully disregard the authority of the Chair. He had his hon. Friend's authority for saying that he had not the slightest intention of disregarding the Speaker's ruling; but he felt deeply upon the matter to which his Question referred, and after the manner in which the Chief Secretary answered it he felt it was of as much importance to him as that great question on which the occupants of the Front Bench were going to perform a similar operation a few minutes later. The whole thing would have been over in 20 minutes, but for the premeditated attempt to drown his hon. Friend's voice with noise. As a rule, the House did conduct its proceedings with good temper and patience. He remembered in the former Parliament there were infinitely more attempts of this kind, and he only hoped that hon. Gentlemen would follow the example of their Leaders on the Treasury Bench, who conducted their Business with good temper. Irishmen were supposed to be unruly; but he had presided for several days over an assembly of Irishmen twice as large as that in the House at present, and had no such trouble with them as the Speaker had experienced during the last couple of hours.

MR. CHAPLIN rose in consequence of an intimation which had come from the Chair. He had understood the Speaker to say that after the proceedings of that night it would be necessary to restrict the privileges of Members in respect of moving the adjournment of the House. ["No, no!"] The present case was, in his experience, without precedent.

Mr. Newdegate

MR. MONK rose to Order. He appealed to Mr. Speaker whether his words were not that it "might be" necessary, not that it "would be."

MR. SPEAKER called upon the hon. Member for Mid-Lincolnshire to proceed.

MR. CHAPLIN continued. He could not doubt, after such an intimation from the Chair—whether the words used were "would be" or "might be"—that it was a subject which must receive the serious consideration of the House. The natural guardians of the Order, the dignity, and the reputation of that Assembly were, in the first place, Mr. Speaker, and then the Leader of the House and the Leader of the Opposition; and he rose merely to express his hope that, in consequence of the extraordinary and unprecedented proceedings of that evening, the Leaders of the House would lose no further time in conferring together as to some steps to be taken to prevent their recurrence. The right hon. Member for Birmingham recommended patience. Patience, indeed! He thought that the patience and long suffering of the House of Commons had been the marvel of the country and the world. The time had undoubtedly arrived when, if the House of Commons was to maintain its great position in this country, something must be done to vindicate its Order and uphold its character. He, therefore, trusted that the Leaders on both sides would confer together shortly on that matter, and give some assurance to the House that they intended to deal with it—because, if not, he felt satisfied that it must become the duty of independent Members on both sides to consider how the credit and reputation of the House were to be maintained.

MR. MITCHELL HENRY was surprised the hon. Gentleman, who was so anxious to maintain the Order and dignity of the House, had not, in accordance with the principles he professed, taken the advice of a responsible Minister, and allowed the incident to close. Then, how a Gentleman who expressed himself—and, doubtless, sincerely—as anxious to maintain the Order of the House, should take an opportunity of dropping a little more inflammatory oil upon the smouldering embers of the excited discussion, which was about to be extinguished, passed his comprehension. All were sensible there had been mistakes committed that night, and

those mistakes had not been confined to one side of the House. The interruptions to which the hon. Member for Mayo was subjected were of a kind that if used against any hon. Member sitting opposite they would have drawn forth the strongest expressions of disapprobation. Moreover, it was evident that the answer of the Chief Secretary to his hon. Friend's Question was distinctly intended to be sarcastic and irritating. Now, it was a very dangerous thing to be sarcastic and irritating, when the question had to do with the sufferings of a whole people. Not one word had fallen from his hon. Friend the Member for Meath (Mr. Parnell) in reference to the condition of the people in the West of Ireland that he could not endorse. He did not wish to prolong the debate on the subject; but it was a matter for public regret that the Minister who was responsible should think more of winning the cheers of those who sat behind him than of relieving the extreme misery existing in the country with which he was officially connected. If the Leaders of the House did confer, and the result of that conference was an attempt to limit the privileges of Members, he felt sure that attempt would be resisted by Members on that side, whether English or Irish. He hoped the incident would now close, and carry with it a lesson to all. That lesson was that every hon. Member in the House was equal, and had equal privileges, and that Members must not, in their dislike to the views another might hold, attempt to prevent his voice being heard. If that attempt was made, there must be a constant repetition of scenes he, for one, deeply regretted, and for which the hon. Member for Mayo was not responsible.

MR. C. BECKETT-DENISON said, that the right hon. Member for Birmingham had spoken as if those on the Ministerial side of the House were peculiarly liable to reproach for their conduct on that occasion. Now, he had listened attentively to the hon. Member for Mayo throughout, and could say that, so far from that hon. Gentleman having risen in his place and made a speech on the spur of the moment, it was evident that he had come down to the House anticipating an unfavourable reply to his Question, and furnished with a set speech committed to notes, to which he made repeated reference.

MR. O'CONNOR POWER said, that he had the facts of the case, but had not intended to detain the House at any length.

MR. C. BECKETT-DENISON: It was clear that the hon. Member, anticipating an unfavourable answer to his Question, had come down prepared with his reply. Where, then, was the justice of the remark of the right hon. Member for Birmingham, that if they had only exhibited a little patience the hon. Member for Mayo would not have occupied more than five minutes of their time? Those sitting below the Gangway on the Ministerial side were not open to the reproach of want of patience in listening to the Irish Members; but when they saw a pre-determination manifested to seize an illegitimate occasion to inflict on the House a long speech on the wrongs of Ireland, it was not surprising that some impatience should be exhibited.

SIR CHARLES W. DILKE said, that, no doubt, it was an inconvenient practice to move the adjournment of the House at Question time, especially if it was pushed far; but, still, it was a practice within the Rules of the House, and it had been followed on more than one occasion by the present Prime Minister. No objection was made the other day, when the noble Lord the Leader of the Opposition (the Marquess of Hartington) intimated that he might this evening take that course. He (Sir Charles W. Dilke) would appeal to the hon. Member for North Warwickshire (Mr. Newdegate) not to divide on the present occasion, which would be a simple waste of time. Although a large number of hon. Gentlemen on the Opposition side might vote with that hon. Member because they wished to go on with the Business of the House, they did not share his opinion.

MR. SHERIDAN said, he had rarely witnessed so much irregularity as had occurred that evening. He had no sympathy with the Motion for adjournment; but he must say that the person most out of Order was his hon. Friend the Member for North Warwickshire (Mr. Newdegate), who addressed substantially an appeal to the right hon. Gentleman the Chancellor of the Exchequer to make fresh Rules for conducting the Business of the House. The privileges of Members of that House had not yet

been secured by the favour of Ministers of the Crown.

MR. O'CONNOR POWER wished to say that the noble Lord the Leader of the Opposition (the Marquess of Hartington) was entirely wrong in accusing him of any intentional disrespect to the Chair. As he could not follow any advice given by the hon. Member for North Warwickshire (Mr. Newdegate), he would ask the permission of the House to withdraw his Motion.

Question, "That the Motion be, by leave, withdrawn," put, and *agreed to*.

MR. NEWDEGATE rose to make some remarks; but—

MR. SPEAKER said, that on putting the Question, he had heard no voice in the Negative.

KINGDOM OF SIAM—ACTION OF MR. KNOX, BRITISH CONSUL GENERAL.

QUESTION.

MR. RYLANDS asked the Under Secretary of State for Foreign Affairs, Whether it is the case that Mr. Knox, the British Consul General in Siam, has ordered up a British gunboat from Singapore to Bangkok, in consequence of the punishment for treason of a Siamese Minister, who is son-in-law to Mr. Knox?

MR. BOURKE: Sir, a misunderstanding has arisen between Mr. Knox, Her Majesty's Agent and Consul General at Bangkok, and the Siamese Government. I would rather not, at the present moment, enter into the particulars respecting the causes of this misunderstanding. A man-of-war has proceeded to Bangkok at Mr. Knox's request. Apology has since been tendered. It is hoped, therefore, that the difficulty is in course of satisfactory adjustment.

AFGHANISTAN—THE WAR—DISASTER TO THE 10TH HUSSARS.

QUESTION.

MR. SERJEANT SHERLOCK asked the Secretary of State for War, Whether the Court of Inquiry appointed to investigate the causes of the disaster to the 10th Hussars at the Cabul River Ford has forwarded the result of their inquiry to the proper authority; whether the decision of this Court has been hitherto

kept secret; and, whether there are any reasons why the public should not be informed of the decision of this Court?

COLONEL STANLEY, in reply, said, that the Report had been forwarded to the proper authority; but, as the hon. and learned Member was probably aware, the decisions of Courts of Inquiry were not made public, and there was no reason in this case to depart from the usual rule.

SOUTH AFRICA—EXPENSES OF MILITARY OPERATIONS.—QUESTION.

MR. CHILDERS asked the Secretary of State for the Colonies, Whether any correspondence has taken place as to the contribution, if any, to be made by any Colony towards the expense of the Zulu War; and, if he can lay upon the Table any such correspondence up to the present time?

SIR MICHAEL HICKS-BEACH: Sir, I have not yet received answers to communications upon this subject made by me to South Africa; and as the Correspondence on the subject is not completed it is not desirable to produce it.

REPUBLIC OF NICARAGUA.

QUESTION.

MR. P. J. SMYTH asked the Under Secretary of State for Foreign Affairs, If he is in a position to make a communication to the House respecting matters in dispute between this Country and the Republic of Nicaragua, and the steps that have been taken to effect an arrangement?

MR. BOURKE: Sir, if it were possible within the limits to an answer to a Question in the House to make a statement respecting the matter in dispute between this country and Nicaragua, I should be very glad to do so; but the matter involves a long history, spreading over a period of about 20 years. I am happy, however, to tell the hon. Member what I think, under the circumstances, will be considered sufficient for the present—namely, that all the matters in dispute have been referred to a neutral Government, and Austria and Holland have been asked to arbitrate on the matter. Both parties have agreed to abide by the award of the Austrian Government, which has accepted the

Mr. Sheridan

officer of mediator. That arbitration will go on almost immediately. The Papers cannot be laid on the Table of the House until after the arbitration is concluded.

SERVIA AND BULGARIA — COMMERCIAL TREATIES WITH AUSTRIA.

QUESTIONS.

MR. CHAMBERLAIN asked the Under Secretary of State for Foreign Affairs, Whether it is true that negotiations for Commercial Treaties are proceeding between Austria and Servia, and Austria and Bulgaria; whether the present Turkish Duties on goods imported into Bulgaria will continue in force; whether Her Majesty's Government are taking steps to negotiate a Commercial Treaty with Servia and Bulgaria; and, whether they will take care that the benefits of any favourable Commercial Treaty between those Countries and any other European nation shall also be secured to England?

MR. MUNTZ asked the Under Secretary of State for Foreign Affairs, What negotiations, if any, are in contemplation with the new States of Servia and Bulgaria, so as to ensure the Most Favoured Nation Clause in any Commercial Treaties?

MR. BOURKE: Sir, the Questions of the two hon. Members refer to two different subjects relating to Servia and Bulgaria. With regard to Servia, Her Majesty's Government understand that a provisional Commercial Convention was concluded between Austria and Servia in July last; but they are not in a position to state what negotiations are at present pending between those countries. Article 37 of the Treaty of Berlin says—

“Until the conclusion of fresh arrangements no change shall be made in Servia in the actual conditions of the commercial intercourse of the Principality with foreign countries. No transit duties shall be levied on goods passing through Servia.”

Some time ago, by a provisional Declaration between Great Britain and Servia, signed March 5, 1879, and presented to Parliament (Commercial No. 7, 1879), and which is to remain in force till May 1, 1880, the most favoured nation treatment is secured. With regard to Bulgaria, the question is decided by the 8th Article of the Treaty of Berlin. By that Article, Bulgaria remains under the

Turkish tariff. The Article in question says—

“The Treaties of Commerce and of Navigation, as well as all the Conventions and Arrangements concluded between foreign Powers and the Porte, and now in force, are maintained in the Principality of Bulgaria, and no change shall be made in them with regard to any Power without its previous consent. No transit duties shall be levied in Bulgaria on goods passing through that Principality. The subjects and citizens and commerce of all the Powers shall be treated in the Principality on a footing of strict equality.”

POST OFFICE—EXPRESS LETTER SERVICE.—QUESTION.

MR. RYDER asked the Postmaster General, Whether his attention has been called to the Express Letter Service, now in profitable operation in Germany, Belgium, and Switzerland, under which, for a small extra fee, letters too long to be telegraphed, original documents, &c. are delivered by means of special messengers (usually the Telegraph boys) from one to two hours earlier than by the ordinary delivery; and, if so, whether he will consider the advisability of trying the Express Letter Service in the first instance between London and some of the large towns, such as Liverpool, Manchester, Glasgow, and Bristol?

LORD JOHN MANNERS, in reply, said, that his attention was called some time ago to the express letter service referred to. The subject had been carefully considered; but the result of that consideration was not favourable to its adoption in this country.

AFGHANISTAN—DEMARCATON OF TERRITORY.—QUESTION.

SIR ALEXANDER GORDON asked the Under Secretary of State for India, If, when he lays upon the Table of the House a Copy of the Treaty recently concluded with the Ameer of Afghanistan, he will also lay a sketch Map showing the territory ceded to England?

MR. E. STANHOPE: Sir, the exact limits of the districts not ceded, but assigned, by the Ameer of Afghanistan to the protection and administration of the British Government, are to be demarcated by a mixed boundary Commission. It may, therefore, not be possible to do what the hon. and gallant Member asks; but we will give such a map as soon as we can.

SOUTH AFRICA—THE ZULU WAR—
DESTRUCTION OF VILLAGES.

QUESTIONS.

MR. O'DONNELL asked the Secretary of State for War, whether his attention has been directed to the letter of the special correspondent of the "Daily News," published in the issue of that paper on the 20th instant, in which the destruction of four native villages by Colonel Lowe's command is described; whether, in particular, he has marked the following statement:—

"Lord Chelmsford had given orders that no kraals should be burned until the general advance, being anxious to utilise the woodwork of the huts as fuel; but these kraals were far away from the line of any possible advance, and Colonel Lowe determined to destroy them. Two laconic words from Long to his men, 'set fire,' sufficed to set them in a blaze, mere flimsy structures of wooden wattle as they were."

and, whether the Government will make inquiries as to any order given by Lord Chelmsford for the burning of native villages during the general advance into Zululand such as is here alleged?

COLONEL STANLEY: Sir, my attention was called to the subject by the hon. Member's Question of a few days ago, and I have nothing to add to the answer given by my right hon. Friend the Secretary of State for the Colonies on that occasion—namely, that there is no reason to believe that these villages were destroyed from any wantonness, but simply out of military necessity. I have not seen any reason to address specific inquiries to Lord Chelmsford upon the subject.

MR. O'DONNELL asked what the right hon. Gentleman meant by military necessity?

COLONEL STANLEY: Sir, one meaning is, that they should not afford cover to the enemy.

MR. O'DONNELL: Or afford shelter to women and children. He would now ask, Whether his attention has been called to an extract from a letter of a soldier in the 60th Rifles, published in the "Daily News" of Tuesday last, in which it is stated, with reference to the action against the Zulus of April 2nd, on the march to relieve Ekowe—

"After the firing was all done, we sent our blacks in amongst them, and they killed all the wounded; and some of them asked our blacks

for a drop of water; yes, and they gave them water too—they put their assegais through them and struck them to the ground;"

whether he has seen the statement published in all the daily papers that Colonel Brabant and the Cape Mounted Yeomanry obtained the surrender of a number of Basutos by throwing dynamite into a cave in which they had taken refuge along with nearly two hundred women and children; and, whether he has any reason to believe these statements are substantially true?

COLONEL STANLEY: Sir, my attention was first called to the first part of the Question when the Paper was put before me this morning, in order that I should answer the Question to-night. I can, however, express no opinion about the matter. With regard to the second part of the Question, I have seen it stated in the daily papers that Colonel Brabant, to obtain the surrender of the Basutos, did use dynamite; but he is not under the orders of my Department. I have, therefore, no information on the subject, nor can I express an opinion on the matter.

THE TRUCK SYSTEM—NAILERS AND
RIVET-MAKERS.—QUESTIONS.

MR. SHERIDAN asked the President of the Board of Trade, whether he is aware of the prevalence of the truck system in the Midland Counties particularly amongst the nailers and rivet-makers; and, whether he will consider the propriety of instituting an inquiry into the system and its results?

MR. ASSHETON CROSS, in reply, said, that the matter was inquired into by a Departmental Commission in 1871, and they found that, to a considerable extent, the system did exist among the nailers and rivet-makers. He need not say that the practice was injurious and undoubtedly illegal; but the present law, though defective, was sufficient to put down its worst abuses, if those concerned would only come forward. There was no reason to suppose that inquiry would throw any more light on the subject.

MR. MUNDELLA asked the right hon. Gentleman, Who instructed the Inspectors to inquire into the subject?

MR. ASSHETON CROSS said, he had instructed the Chief Inspector of Factories to do all that he could; but he

found, on consultation with that gentleman, that there was great difficulty in getting people to give evidence, lest they should lose their work.

EGYPT—ABDICATION OF THE KHEDIVE.

EXPLANATION. QUESTIONS.

THE MARQUESS OF HARTINGTON: Sir, perhaps the House will allow me to say one word in explanation of the Question I am now about to put to the right hon. Gentleman the Chancellor of the Exchequer. In putting that Question, it is not in the least my desire to express any opinion whatever, with the information we possess, as to the policy which is now being pursued in Egypt; and I also wish to disclaim the slightest desire to embarrass in the smallest degree the action of Her Majesty's Government. On the contrary, I trust that the Question I am now putting, after what has occurred this evening, may not give rise to an irregular discussion. I hope that, by putting this Question, I am giving Her Majesty's Government an opportunity of making such a statement as will satisfy what, I think, is the legitimate desire of the House for information upon the matter. I hope to put them in a position to make such a statement as will enable us to postpone until what may appear to the Government a more convenient time any full discussion. I may add I did not state the other day that it was my intention to move the adjournment of the House; but only that it was possible I might do so, and, in saying that, I only wished to give the Government a fair warning of what was likely to happen if their answer was not satisfactory. I will only add, before putting the Question, that the Government will, no doubt, remember that most important events have been occurring in Egypt during the last three months, and that we have had very little information indeed with respect to what was going on, and none of that kind generally given to the House in authentic Papers. No Papers have been presented to the House since the end of December; and, in these circumstances, I think that the Government will see that it is right they should furnish to the House such information as they can. I wish to ask Mr. Chancellor of the Exchequer, With what European Governments negotiations on

the subject of the abdication of the Khedive are in progress; whether he can state the grounds on which the recommendation to the Khedive to abdicate has been based; whether they relate to the failure of the Khedive to execute his engagements to his creditors or to Foreign States; whether any communication has taken place with the Government of the Sultan, and of what character; whether any answer has yet been received from the Khedive; and, whether the Papers relating to these transactions will shortly be laid upon the Table?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I can assure the noble Marquess (the Marquess of Hartington) that the Government in no way whatever complain of, or express surprise at, the course which he has taken; on the contrary, we think it most natural that this Question should be asked, and we can only express our obligations to the noble Marquess, and the House generally, for the consideration they have shown in not pressing for any information at a time when the Government were obliged to say that it was inconvenient to give it. I would say that the answer which I had intended to make to the Question of the noble Marquess is, to a certain extent, modified by information which has reached us since the House met. That information is to the effect that the Khedive, Ismail Pasha, has, in obedience to orders which he has received from the Porte, abdicated in favour of his son, Prince Tewfik, and that the new Khedive, Prince Tewfik, was expected to be officially proclaimed as Khedive in Cairo this afternoon by 6 o'clock. Of course, in these circumstances, there is no longer any reason for delaying the presentation of the Papers and the discussion of the question which will be naturally raised. I believe I may say that Papers explanatory of the course which the Government has pursued will be laid upon the Table in the course of two or three days—not later, I hope, than Monday. That being so, I think it would be more convenient to the House that we should not enter into any premature discussion upon the question with the imperfect information that could be afforded by any answer that I could give. But I would say, with regard to the first part of the Question of the noble Marquess—"With what European Governments negotia-

tions on the subject of the abdication of the Khedive are in progress?"—that negotiations have taken place between Her Majesty's Government and all the Great Powers of Europe—France, Germany, Austria, Russia, Italy, and the Porte. "The grounds on which the recommendation to the Khedive to abdicate have been based" will be seen from the Papers that will be presented; but I may state generally, with reference to that and the next part of the Question, that the principal ground upon which that step was recommended was the misgovernment of Egypt, and the conviction of Her Majesty's Government and the other Powers that that misgovernment was not likely to be corrected under the administration of the Khedive, Ismail Pasha. Of course, from what I have now said, the next part of the Question as to reference to the Government of the Sultan is answered, and, also, whether an answer has been received from the Khedive. The abdication has taken place in obedience to orders received from the Sultan, and Prince Tewfik has, no doubt, by this time, been proclaimed.

MR. OTWAY: I have no desire to open a discussion, now that we understand the Papers will be in our hands by Monday next; but I would like to ask the right hon. Gentleman, Whether the French Government insisted that the Porte should nominate Prince Tewfik to succeed his father; and, whether the Government of Russia, as being one of the Powers with whom negotiations have been carried on, has approved the nomination of Prince Tewfik, and the steps taken to enforce it?

SIR JULIAN GOLDSMID asked, Whether the Papers would explain to the House the right which the Government had to interfere, and whether the right hon. Gentleman would give the House an opportunity of discussing the subject after the Papers had been laid on the Table?

SIR GEORGE CAMPBELL asked, Whether Her Majesty's Government had recognized the power of the Porte to depose the Khedive of Egypt at its own will?

MR. FAWCETT: There is one part of the Question of the noble Marquess (the Marquess of Hartington) which does not seem to me to have been answered, and a reply to which will, I am sure, give considerable relief. The

noble Marquess asked whether the abdication of the Khedive had been recommended because of his failure to execute his engagements to his creditors or to foreign States? The Chancellor of the Exchequer did not answer that Question directly; but simply said that the recommendation was made in consequence of the misgovernment of Egypt. I should like to know, Whether the recommendation was given solely on that account, and had nothing to do with the failure of the Khedive to meet his engagements with his creditors?

THE CHANCELLOR OF THE EXCHEQUER: Sir, with regard to the Question of the hon. Member for Rochester (Mr. Otway), I think he will see it would be inconvenient that I should state what are the views of the Government of Russia. If he waits until the Papers are presented, all that is known with regard to the action of foreign Powers will be communicated; but it is rather awkward to answer Questions with regard to the action of other States. If the hon. Member for Kirkcaldy (Sir George Campbell) will also wait until he sees the Papers and the precise way in which communications were made to the Porte, it would be more convenient. As to the respective rights of the Sultan and the Khedive, it is a delicate question, and it would be better we should not give imperfect answers which may lead to misconception, when the fullest information will be given in the Papers. With regard to the last Question of the hon. Member for Hackney (Mr. Fawcett), I should certainly say that the failure of the Khedive to execute his engagements to his creditors was not the ground on which the advice was given; but if the hon. Member asks whether the failure of the Khedive to execute his engagements to his creditors had anything to do with these proceedings, of course, it would be impossible not to say that part of the case which induced the Government to take these proceedings was the fact of the great complications which have arisen between the Khedive and his creditors. His arrangements had not proved successful, and considerable oppression had been brought to bear on the taxpayers of Egypt as the result of these complications with his creditors; and, moreover, still further complications were likely to arise owing to the judicial decisions in relation to his cre-

The Chancellor of the Exchequer

ditors. Therefore, it is impossible to say that the failure of the Khedive to execute his engagements to his creditors had nothing to do with the steps which have been taken; but, still, it would be incorrect to say that that was the reason of the action of the Government.

MR. OTWAY said, the Question he asked was a most important one, and he submitted that the Chancellor of the Exchequer had not answered it. His Question had reference to the action of Her Majesty's Government, and he would repeat it, and, in doing so, perhaps he might be permitted to explain that this was the first instance—if the Question was answered in the affirmative—in which any European Government had endeavoured to alter the Mohammedan law of succession in a Mohammedan country. ["Order, order!"] The Question was an important one, and if he was interrupted he would do that which he should be sorry to do, and which he had never done in his life—move the adjournment of the House. ["Oh, oh!"] His explanation was necessary to make the answer intelligible. He, therefore, wished to know, Whether the Government had urged on the Porte and insisted that Prince Tewfik should succeed, instead of the legitimate heir according to Mohammedan Law?

THE CHANCELLOR OF THE EXCHEQUER: I do not understand that the law of succession with regard to Mohammedan Governments has been altered. I may say that there was no pressure put by Her Majesty's Government upon the Porte to alter the law of succession; but it is a matter of such delicacy that I think it is far better for the hon. Gentleman and the House to await the publication of the official despatches than to enter on a discussion which would be misleading in the absence of those documents.

SIR JULIAN GOLDSMID asked, Whether the Government would give the House an early opportunity of considering the question after the presentation of the Papers?

THE CHANCELLOR OF THE EXCHEQUER said, if the House, after receiving the Papers, should desire an opportunity of expressing their opinion upon them, there would be no objection on the part of the Government to provide a convenient day for the purpose. Indeed, it would be their duty to do so.

EDUCATION DEPARTMENT (ENGLAND AND WALES) — EXPENDITURE ON ELEMENTARY SCHOOLS.

QUESTION.

MR. J. R. YORKE asked the Vice President of the Council, Whether it is still his intention to issue a Minute, imposing a two guinea limit on the maintenance expenses of Board Schools this Session; and, if so, when such Minute will be laid on the Table of the House?

LORD GEORGE HAMILTON: Sir, at the time I indicated our intention of issuing a Minute to limit the excessive expenditure in certain elementary schools, I showed the necessity for some such action by giving the figures relating both to the fees paid as well as to the cost of maintenance per child in the schools of the London School Board. Since then, I find that the London School Board have themselves proposed an inquiry into their expenditure, which inquiry is about to commence immediately. The justice of the criticisms which I was compelled to make being, therefore, to a certain extent admitted, I think that it would be only fair to the School Board that the Education Department should postpone taking any action until we have given time to the Board themselves to initiate and carry out the reductions which may appear necessary to them. We shall, therefore, postpone, but not abandon, our intention of issuing a Minute to reduce excessive expenditure in schools purporting to be elementary.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 24th June.*]

Bill considered in Committee.

(In the Committee.)

Clause 76 (Reckoning and forfeiture of service).

Amendment proposed, in page 41, line 14, to leave out from the word "attestation" to the end of the Clause.—(*Mr. O'Donnell.*)

Question proposed, "That the words 'but when a soldier of the regular forces has been guilty of any of the following offences,' stand part of the Clause."

MR. O'DONNELL said, that the special reason which he had for objecting to the *c* section was its unvarying severity. The right hon. and gallant Gentleman the Secretary of State for War had consented to take out sub-sections *c* and *d*, referring to the offence of being taken prisoner of war under certain conditions, and of not rejoining the regiment when released under certain circumstances. But he (Mr. O'Donnell) ventured to think that the clause would be much more improved by leaving out sub-section *b* also; not that the crime of fraudulent enlistment was not a very considerable one, but that this crime, as well as that of desertion, ought to be treated under a separate clause altogether. Desertion was a crime which varied very much in itself. In one case a man might desert under very bad circumstances, and fully deserve to have all his previous service forfeited; and in another case he might desert under very different circumstances—might not be absent long, and might soon return to his corps—and yet he would find himself forced to forfeit all his previous service. He must suffer punishment, without any option on the part of his judges, although, in fact, he did not belong to the worst category of deserters. Again, it was quite possible that a case of fraudulent enlistment might occur without any very serious moral delinquency on the part of the offender. Suppose a case of fraudulent enlistment, where a man enlisted in a second regiment—say, for the purpose of serving with an old comrade, or some other reason of the kind; he concealed the fact of his being already a soldier, and, undoubtedly, deceived the country and cheated it out of a certain sum of money; yet it appeared to him (Mr. O'Donnell) that a man who committed this crime in order to serve along with an old comrade, or a village friend, was not so bad as the man who, according to an American expression, was a regular "bounty jumper." But, under the Act, he would be declared to forfeit all his previous service, if his offence should be discovered. He thought it ought to be left more particularly to the court martial to say whether or not such a case should carry with it forfeiture of

all previous service. By denying to the court martial this power its dignity was lowered; while, at the same time, it was prevented from properly discriminating offences. It was true that the right hon. and gallant Gentleman the Secretary of State for War proposed to amend the clause, to the effect that where a deserter served unexceptionally for five years he would be allowed to recover his former service; but that by no means met the difficulties of the case, which, as he (Mr. O'Donnell) had before pointed out, consisted in the very great difference in guilt between deserter and deserter. Surely, a court martial, which was intrusted with the power of flogging, ought also to be trusted with the power of discriminating whether a deserter should forfeit the whole of his previous service, or whether he should be let off with a light sentence.

MR. PARNELL said, the clause was opposed to the principle introduced when the system of short service was established. What was the punishment proposed by the clause? It was that a soldier guilty of desertion should serve longer in the Army. Was it wise to hold out to a soldier that service in the Army was to be a punishment? It appeared to him (Mr. Parnell) that in framing the Bill there had been too much desire to keep to the old models. In addition to the sentences of imprisonment and forfeiture, it was put to the soldier, as a further punishment, that he should serve longer in the Army. It was well known that a thing, when represented as disagreeable, and used as a punishment, became obnoxious; as in old times, when going to church was made a sort of punishment for children. If, therefore, a longer period of service was held out as a punishment to soldiers, the Army would be made objectionable to those persons desirous of enlisting. He thought it would be well to strike out the four sub-sections *a*, *b*, *c*, *d*.

MR. O'DONNELL asked permission to withdraw his Amendment, as the same points were raised by the Amendment of the hon. Member for Meath (Mr. Parnell).

Question put, "That the Amendment be, by leave, withdrawn."

MR. BIGGAR considered the arguments very strong in favour of striking out the sub-sections *a* and *b*, which

dealt with desertion and fraudulent enlistment, and made it imperative upon the court martial to punish all offenders, great or small, no matter whether their time of service was long or short. The right hon. and gallant Gentleman had very properly said that some soldiers deserted and re-deserted time after time, and that the result was they were the greater part of their lives in gaol. The argument of those who opposed the clause did not apply to men of that stamp, who would have nothing in consequence to forfeit in point of service. But the punishment of forfeiture would fall very heavily upon the well-conducted soldier, who had little recorded against him; but who, for some reason or other, deserted nearly at the end of his term of service. Such a man might easily be absent for a time without leave, and through a number of circumstances, which daily occurred, might be prevented from returning to his regiment, and the court martial might find him guilty of desertion and punish him; but the clause laid it down that in addition to the punishment to be awarded he should suffer a further very severe penalty in the loss of all his previous service. Again, with regard to fraudulent enlistment, a recruit of 17 went before the justices and swore he was 18 years of age; at the end of seven years, perhaps, when he had become a good and useful soldier, he was found out, and the court martial might award him punishment for having fraudulently enlisted. He (Mr. Biggar) thought it would be proper that the court martial should have the option of making a soldier forfeit his service or not. But to say first that the court martial should inflict punishment for desertion, and then to impose the additional punishment of forfeiture, was monstrous.

COLONEL STANLEY said, the clause was one which he must ask the Committee to pass in the form in which it was left on Monday last. The hon. and gallant Member for Cork (Colonel Colthurst) had very truly reminded the Committee that it should not allow sympathy for the soldiers who were under punishment to extend so far as to diminish the respect for the good soldiers who were serving in the Army. He proposed to take out sub-sections *c* and *d*; but with regard to desertion from Her Majesty's Service and fraudulent enlist-

ment, these were crimes which could not but be perpetrated by the soldier himself, and which could not in any way be forced upon him; he therefore felt bound to retain the sub-sections *a* and *b*. With reference to the case of men who were supposed to desert in order to join friends in other regiments, he had almost said it was nonsense to talk about such cases; for he believed, when good grounds existed, there was no difficulty whatever in a man being allowed to enter another regiment. But, be that as it might, he did not think any man had a right to be at liberty to transfer himself whenever he pleased. Such a man had entered into an engagement by the terms of which he must abide. He had already pointed out how great a blot upon the Army was desertion; while fraudulent enlistment amounted to a regular trade; and he quite admitted that the Government wanted to deal with those crimes more severely than had been the case hitherto; and it was felt necessary, while relieving the soldier of the consequences of some minor offences, to hit him harder for crimes committed not only against the State, but against his comrades. As the matter stood, a soldier guilty of desertion from Her Majesty's Service, or of fraudulent enlistment, *ipso facto*, would forfeit his service; he chose to break his engagement and incur this penalty, and the State was right in considering him as entering into an engagement *de novo*. He did not think that, in view of the present short service in the Army, it was at all unreasonable to ask the Committee to assent to the clause as amended.

SIR GEORGE CAMPBELL wished to see words inserted in the clause to enable commanding officers, in some cases, to reduce the forfeiture of service to a shorter period than the whole time of service. He put the case of a man who had served 10 years, and borne a high character, who, being sent to a bad station, suffered in his health, and for some reason or other, in a moment of weakness, deserted. The commanding officer, although he might wish to punish the man by, say, two years' forfeiture, would be absolutely compelled by law to forfeit the whole 10 years' service. He thought some provision should be made in the clause to meet cases of that kind.

COLONEL COLTHURST said, he wished to bring under the notice of the right hon. and gallant Gentleman the Secretary of State for War the fact that the present Bill, unlike the old Mutiny Act, did not contain any power to punish a man who confessed himself to be in the Militia at the time of his enlistment in the Army.

MR. O'DONNELL said, that the right hon. and gallant Gentleman, as well as all military men, laid great stress upon the fact of the soldier entering into a contract, and deserving no mercy if he voluntarily broke it. That would be quite true with regard to a contract entered into under ordinary civil conditions; but it must be borne in mind that when a minor entered into a contract, in order to make it binding upon him, he must re-consent to it when he came of age. But, in this case, not only to the detriment of the principles of civil right, but to the detriment of the efficiency of the Army, the State took into its service boys who were legally incapable of binding themselves by contract. The contract referred to by the right hon. and gallant Gentleman was no reason why these boys should be bound down to what might be the folly of their youth at 18 or 19; nor was it a reason for treating them as deserters, just as if they were men of full age. It was necessary to do one of two things; either to insist that no one should enter the Army who was not of full age, or to draw a distinction between the contract entered into by a boy, and the contract entered into by a man of full age. Let men of full age, if necessary, be treated with severity; but he maintained that there was a great deal of room for mercy to be shown to lads of 18 or 19, whom it would be a violation of the rules of civil life to bind down to the engagements of their minority.

MR. RYLANDS, while he entirely agreed with the right hon. and gallant Gentleman the Secretary of State for War as to the gravity of the offences of desertion and fraudulent enlistment, and while he agreed that those offences should be punished and prevented, was bound to express his great doubt as to the necessity of this clause. The right hon. and gallant Gentleman had spoken of it as one which would remove certain difficulties of account; but he (Mr. Rylands) was quite unable to see how it

could do so. Then, if it were a question of punishing deserters and men who enlisted fraudulently, surely the 12th and 13th clauses of the Bill provided ample punishments for such persons. Was the object of the clause to add to the punishment already existing in the Bill, or was it to retain men in the Army for a longer period than that of their original enlistment? But the right hon. and gallant Gentleman knew a great deal better than he (Mr. Rylands) that to retain men of bad character, after two or three fraudulent enlistments, would be the greatest possible disadvantage to the Service. The great difficulty to be contended with was that boys were taken into the Service without any reference to their character. They took a lad who, perhaps, having got into some difficulty, and being morally and physically unfitted for the Service as well, rushed to the recruiting sergeant and enlisted in the Army, from which, after a year or two, he probably deserted, adding to the difficulties of Army regulation by becoming a worthless, but expensive, unit in the number of their soldiers. He could not see the good of retaining this clause, for, in his opinion, the best thing to do with a bad fellow who deserted once or twice was to punish him and get rid of him from the Army as soon as possible; otherwise, he believed, there would always remain a great deal of difficulty with regard to desertion. It also appeared to him that greater care should be taken to get young men as recruits of tolerably good character; but having provided in Clauses 12 and 13 for the punishment of desertion and fraudulent enlistment he doubted whether it was necessary to resort to the power proposed to be given by the clause under discussion.

MR. HOPWOOD said, the object of the clause was expressed in the words "the whole of his prior service shall be forfeited." He objected that the Committee should put into an Act of Parliament a second punishment as a consequence of another sentence, and give the court no option of modifying it, or relieving the prisoner in regard to it. There was a very strong objection to such undue severity in enactments which were intended to operate for the repression of crime, and mere irregularity, or offences. Who were the people to be affected by this clause, and who was it the whole of whose prior service should

be forfeited? First, the soldier who deserted; secondly, the soldier who fraudulently enlisted. Now, the latter, he assumed, might be a grave case. But the Bill did exactly the same for the man who confessed himself to be a deserter, and with regard to whom the authorities had taken so lenient a view that they dispensed with his trial by court martial, as it did for the man who fraudulently enlisted. Did the Committee intend to rank together these two classes—those who were condemned by court martial, and those who were lesser offenders? He understood the right hon. and gallant Gentleman to say he was going to take out the words “if having been committed as a deserter by a court of summary jurisdiction;” in his (Mr. Hopwood’s) opinion it would also be well to take out the other words “or having confessed the offence he is liable to be tried,” because the offenders were both on a par as to the degree of their crime; one having been condemned by court martial—in regard to whom the case, perhaps, was not so strong—and the trial of the other having been dispensed with by competent authority. Then the right hon. and gallant Gentleman said that a great deal of book-keeping was to be saved by the adoption of the clause. But was it the argument of the right hon. and gallant Gentleman that that was to be effected at the expense of justice? Then, he had told the Committee that desertion and fraudulent enlistment were crimes which a man could not be forced to commit. What crimes could a man be forced to commit? The crimes which a man was forced to commit, he (Mr. Hopwood) apprehended ceased to be crimes at all. Take the case of a man under a non-commissioned officer, who treated him with brutality and bullied him; such cases were by no means uncommon, and many a man had been morally compelled to desert by the pressure put upon him in that way. Was that to be ranked with the crime of fraudulent enlistment, which had ever been, and must always be, a much more voluntary act than desertion? It ought not to be stereotyped in the Act of Parliament which the Committee were about to pass, that neither the court nor the authorities should have any option in the matter of forfeiture of service merely to save a few columns of book-keeping.

COLONEL ALEXANDER said, at present, a soldier who had deserted and been tried by court martial forfeited the whole of his previous service; but, if he kept clear of the regimental defaulters’ book, he, at the end of five years, appeared before the commanding officer, and requested that his service might be restored. The commanding officer forwarded the application to the Secretary of State for War, who, as a matter of course, agreed to the restoration of service. He (Colonel Alexander) wished to point out that restoration after five years, under the present system of service, was rather too long deferred. The period of five years was all very well under the old system; but now, when a man had to serve six years with the Colours and six years with the Reserve, it was too much to expect that he should have to serve five years more in order to obtain restoration of service. He had already expressed his opinion upon this point, in reply to a Circular from the War Office, that the time should be reduced to two years, which he still thought would be sufficient under the present system of enlistment for six years.

Amendment negatived.

COLONEL STANLEY moved the omission of sub-section *d*, which provided that the whole of the prior service of a soldier should be forfeited, if he should be convicted of the offence of not having, when released as a prisoner of war, rejoined his regiment as soon as he could and ought to have done.

Amendment agreed to; sub-section omitted accordingly.

COLONEL STANLEY moved the omission of the words “by a court of summary jurisdiction,” in lines 27 and 28, observing, that although a man might be convicted as a deserter by a court of summary jurisdiction, he might be restored by the proper military authority.

Amendment agreed to; words struck out accordingly.

MR. HOPWOOD moved, as an Amendment, in page 41, line 31, to leave out the words “the whole of his previous service shall be forfeited,” in order to insert the words—

tions on the subject of the abdication of the Khedive are in progress?"—that negotiations have taken place between Her Majesty's Government and all the Great Powers of Europe—France, Germany, Austria, Russia, Italy, and the Porte. "The grounds on which the recommendation to the Khedive to abdicate have been based" will be seen from the Papers that will be presented; but I may state generally, with reference to that and the next part of the Question, that the principal ground upon which that step was recommended was the misgovernment of Egypt, and the conviction of Her Majesty's Government and the other Powers that that misgovernment was not likely to be corrected under the administration of the Khedive, Ismail Pasha. Of course, from what I have now said, the next part of the Question as to reference to the Government of the Sultan is answered, and, also, whether an answer has been received from the Khedive. The abdication has taken place in obedience to orders received from the Sultan, and Prince Tewfik has, no doubt, by this time, been proclaimed.

MR. OTWAY: I have no desire to open a discussion, now that we understand the Papers will be in our hands by Monday next; but I would like to ask the right hon. Gentleman, Whether the French Government insisted that the Porte should nominate Prince Tewfik to succeed his father; and, whether the Government of Russia, as being one of the Powers with whom negotiations have been carried on, has approved the nomination of Prince Tewfik, and the steps taken to enforce it?

SIR JULIAN GOLDSMID asked, Whether the Papers would explain to the House the right which the Government had to interfere, and whether the right hon. Gentleman would give the House an opportunity of discussing the subject after the Papers had been laid on the Table?

SIR GEORGE CAMPBELL asked, Whether Her Majesty's Government had recognized the power of the Porte to depose the Khedive of Egypt at its own will?

MR. FAWCETT: There is one part of the Question of the noble Marquess (the Marquess of Hartington) which does not seem to me to have been answered, and a reply to which will, I am sure, give considerable relief. The

noble Marquess asked whether the abdication of the Khedive had been recommended because of his failure to execute his engagements to his creditors or to foreign States? The Chancellor of the Exchequer did not answer that Question directly; but simply said that the recommendation was made in consequence of the misgovernment of Egypt. I should like to know, Whether the recommendation was given solely on that account, and had nothing to do with the failure of the Khedive to meet his engagements with his creditors?

THE CHANCELLOR OF THE EXCHEQUER: Sir, with regard to the Question of the hon. Member for Rochester (Mr. Otway), I think he will see it would be inconvenient that I should state what are the views of the Government of Russia. If he waits until the Papers are presented, all that is known with regard to the action of foreign Powers will be communicated; but it is rather awkward to answer Questions with regard to the action of other States. If the hon. Member for Kirkcaldy (Sir George Campbell) will also wait until he sees the Papers and the precise way in which communications were made to the Porte, it would be more convenient. As to the respective rights of the Sultan and the Khedive, it is a delicate question, and it would be better we should not give imperfect answers which may lead to misconception, when the fullest information will be given in the Papers. With regard to the last Question of the hon. Member for Hackney (Mr. Fawcett), I should certainly say that the failure of the Khedive to execute his engagements to his creditors was not the ground on which the advice was given; but if the hon. Member asks whether the failure of the Khedive to execute his engagements to his creditors had anything to do with these proceedings, of course, it would be impossible not to say that part of the case which induced the Government to take these proceedings was the fact of the great complications which have arisen between the Khedive and his creditors. His arrangements had not proved successful, and considerable oppression had been brought to bear on the taxpayers of Egypt as the result of these complications with his creditors; and, moreover, still further complications were likely to arise owing to the judicial decisions in relation to his ac-

The Chancellor of the Exchequer

gation in their favour in the present case. He was quite sure that the right hon. and gallant Gentleman the Secretary of State for War did not wish to be severe upon soldiers, and that he was really resisting his own convictions in insisting upon this clause. He would ask the right hon. and gallant Gentleman to be a little merciful upon this occasion, and to yield to his own good feelings in the matter. Although it might be a very good thing to follow the advice of the military authorities by whom he was advised, yet they knew that those gentlemen were much too fond of red tape; and it was for them, sitting there as legislators, not to let their judgment be warped from what they thought right, merely because those authorities were in favour of severe punishment.

MR. O'DONNELL ventured to say that this proposed penalty must act directly contrary to the desire of the Government. If a soldier deserted under the influence of some passing fancy, but afterwards repented, and wished to come back into the Army, a punishment was here enacted which would deter him from going back, and would punish him for repenting. After having confessed his offence, he was liable to be tried and to lose all his service, simply because he might have been a few weeks, or two months, away from his duty. The effect of the clause was to prevent a man who was disposed to go back doing so; and it would rather induce him to betake himself to America or the Colonies, for he would find that if he went back, this Act of Parliament absolutely forfeited to him all his prior service. In the whole course of his life he had never seen—not even in legislation for Ireland—a more absurd clause. He ventured, respectfully, to urge upon the attention of hon. Members of the Committee that this clause was putting a premium upon desertion. He should be very happy to hear any reason to alter his opinion; but, so far as most of them could see, the only effect of this clause was to punish a man for going back to his duty.

COLONEL STANLEY observed, that the effect of the clause was not what had been attributed to it by hon. Members. If a man came back he was tried; but his return would be taken as an extenuating circumstance, under Clause 56, by which a prisoner charged

before a court martial with desertion might be found guilty of the minor offence of being absent without leave.

SIR ALEXANDER GORDON said, that formerly it was necessary for every soldier to be sentenced to forfeit his service. A power was given at one time to sentence a soldier to forfeit his further service as well; but that power was subsequently taken away, as it was held to be wrong. They were only going back now to what was the custom 20 or 25 years ago. Perhaps it would meet some of the objections that had been raised to enact that if a man voluntarily came back he should not necessarily forfeit his former service, but, at the option of the court, might be allowed to count his service up to the time of desertion. He thought that a power of that kind in the hands of the court martial would be instrumental in inducing men to return to their duty.

MR. PARNELL thought that the hon. Member for Dungarvan (Mr. O'Donnell) had made a very good point, when he said that this clause gave the military authorities power to dispose, without trial, of the case of a soldier who had deserted and returned, and to punish him for this offence without trying him. The competent military authorities were given power to sentence a soldier without trial, and to inflict the punishment upon him of forfeiture of his services, without having ascertained that he was guilty of the offence at all. That seemed to him to be a very extraordinary proposal, and he did not think that the working of the clause was generally understood. The clause gave the military authorities power to dispose of a case without trial, and to sentence a man, and to punish him for an offence of which he might not be guilty. In his opinion, it would be a very fair course to postpone this clause, until the Government should see that the position they were taking up was indefensible.

COLONEL STANLEY hoped that hon. Gentlemen would not think him guilty of discourtesy in saying that he thought it would be very hard upon the Committee to postpone the clause. He begged to point out to the Committee that if this clause had been made more stringent, yet benefits had been extended to the soldier by the Bill in other directions. He had thought it undesirable that these two very serious

Question proposed, "That the words 'but when a soldier of the regular forces has been guilty of any of the following offences,' stand part of the Clause."

MR. O'DONNELL said, that the special reason which he had for objecting to the *c* section was its unvarying severity. The right hon. and gallant Gentleman the Secretary of State for War had consented to take out sub-sections *c* and *d*, referring to the offence of being taken prisoner of war under certain conditions, and of not rejoining the regiment when released under certain circumstances. But he (Mr. O'Donnell) ventured to think that the clause would be much more improved by leaving out sub-section *b* also; not that the crime of fraudulent enlistment was not a very considerable one, but that this crime, as well as that of desertion, ought to be treated under a separate clause altogether. Desertion was a crime which varied very much in itself. In one case a man might desert under very bad circumstances, and fully deserve to have all his previous service forfeited; and in another case he might desert under very different circumstances—might not be absent long, and might soon return to his corps—and yet he would find himself forced to forfeit all his previous service. He must suffer punishment, without any option on the part of his judges, although, in fact, he did not belong to the worst category of deserters. Again, it was quite possible that a case of fraudulent enlistment might occur without any very serious moral delinquency on the part of the offender. Suppose a case of fraudulent enlistment, where a man enlisted in a second regiment—say, for the purpose of serving with an old comrade, or some other reason of the kind; he concealed the fact of his being already a soldier, and, undoubtedly, deceived the country and cheated it out of a certain sum of money; yet it appeared to him (Mr. O'Donnell) that a man who committed this crime in order to serve along with an old comrade, or a village friend, was not so bad as the man who, according to an American expression, was a regular "bounty jumper." But, under the Act, he would be declared to forfeit all his previous service, if his offence should be discovered. He thought it ought to be left more particularly to the court martial to say whether or not such a case should carry with it forfeiture of

all previous service. By denying to the court martial this power its dignity was lowered; while, at the same time, it was prevented from properly discriminating offences. It was true that the right hon. and gallant Gentleman the Secretary of State for War proposed to amend the clause, to the effect that where a deserter served unexceptionally for five years he would be allowed to recover his former service; but that by no means met the difficulties of the case, which, as he (Mr. O'Donnell) had before pointed out, consisted in the very great difference in guilt between deserter and deserter. Surely, a court martial, which was intrusted with the power of flogging, ought also to be trusted with the power of discriminating whether a deserter should forfeit the whole of his previous service, or whether he should be let off with a light sentence.

MR. PARNELL said, the clause was opposed to the principle introduced when the system of short service was established. What was the punishment proposed by the clause? It was that a soldier guilty of desertion should serve longer in the Army. Was it wise to hold out to a soldier that service in the Army was to be a punishment? It appeared to him (Mr. Parnell) that in framing the Bill there had been too much desire to keep to the old models. In addition to the sentences of imprisonment and forfeiture, it was put to the soldier, as a further punishment, that he should serve longer in the Army. It was well known that a thing, when represented as disagreeable, and used as a punishment, became obnoxious; as in old times, when going to church was made a sort of punishment for children. If, therefore, a longer period of service was held out as a punishment to soldiers, the Army would be made objectionable to those persons desirous of enlisting. He thought it would be well to strike out the four sub-sections *a*, *b*, *c*, *d*.

MR. O'DONNELL asked permission to withdraw his Amendment, as the same points were raised by the Amendment of the hon. Member for Meath (Mr. Parnell).

Question put, "That the Amendment be, by leave, withdrawn."

MR. BIGGAR considered the arguments very strong in favour of striking out the sub-sections *a* and *b*, which

MR. RYLANDS did hope that the right hon. and gallant Gentleman the Secretary of State for War would not for a moment suppose that the opposition to this clause was being pressed from any motives of obstruction; he (Mr. Rylands) entirely repudiated any such motives in his opposition to it. He rose for the purpose of saying that, as they went through the Bill, they continually met with evidence that, although keeping to the old Articles of War and the old Mutiny Act, yet, in every direction, there was a greater severity in respect of punishments, and a withdrawal of those elements of merciful consideration which ran through previous Regulations of the Army. No Article of War which he could find approached in severity this clause with respect to forfeiture of service. If he were wrong in that, he should be very glad, for he spoke on this subject with very great hesitation. But he would repeat, that he could find nothing in those Articles of War which justified the extreme severity of the clause now placed before the Committee. The right hon. and gallant Gentleman, he trusted, would give a promise—which, if he did, he (Mr. Rylands) was sure he would fulfil—that the merciful provisions found in the Articles of War, by which service was given back to deserters under certain conditions, and on proof of subsequent good conduct, should be introduced into this measure. Those merciful provisions, which were found in the Articles of War, were entirely left out in this Bill; and he should be glad, before the clause passed, if the right hon. and gallant Gentleman would state the conclusions at which he had arrived with respect to the 169th Article of War. He most emphatically protested against the Committee being pressed to pass this clause in the shape in which it stood, and he trusted that some concessions would be made by the Government.

COLONEL STANLEY said, that if the Committee would once more give him their attention he would endeavour to lay the matter before them. Under the present rules, if a man were absent more than five days, and he was found guilty of desertion, his previous service was forfeited. And not only were a man's service forfeited if he were found guilty of desertion, but also if he were convicted of being absent without leave for

longer than that period. Under this measure, the forfeiture of previous service was limited to the two serious crimes of desertion and fraudulent enlistment; and hon. Members would, therefore, see that a change was made in the direction of leniency. But another and a greater change had been made. As the clause was drawn, a man who had been convicted and imprisoned no longer forfeited the time which he passed in prison. At present, a man forfeited all the time that he passed in prison; and the effect was this—that a soldier who had served a great deal of his time in prison practically went on renewing his engagement. That rule was now made to cease altogether. He hoped that the operation of that change would be that a number of men whom it was very desirable not to retain in the Army, and who passed a great part of their time in prison, would be gradually weeded from it. He fully admitted that for those two crimes the punishment was made somewhat more severe than before. But if the hon. Gentleman (Mr. Rylands) and others would look at the clauses further on, and take into consideration the various loopholes that had now been given to men to return to the Service, in respect of the consequences of the minor crimes, they would find that, on the whole, the changes which had been made were merciful. If they took into consideration the provision by which men sentenced to a short term of imprisonment were now drafted abroad and enabled to have another chance, instead of being confined in prison; if all these things were taken into consideration, and the balance struck, he did hope that the Committee would see that there had been an endeavour, in framing this Bill, to be as merciful as was consistent with the due maintenance of discipline.

SIR GEORGE CAMPBELL wished to draw attention to sub-section *b*, and to point out that the offence of fraudulent enlistment was dealt with, not only in that clause, but under sub-section 7 of Clause 80. It seemed to him hardly possible that those provisions for fraudulent enlistment should be concurrent, and should remain in the Bill together. He hoped that the right hon. and gallant Gentleman would explain how this came about. With regard to the offence of desertion, it was, no doubt, very commop, and it was necessary to

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MR. RYLANDS, while he entirely agreed with the right hon. and gallant Gentleman the Secretary of State for War as to the gravity of the offences of desertion and fraudulent enlistment, and while he agreed that those offences should be punished and prevented, was bound to express his great doubt as to the necessity of this clause. The right hon. and gallant Gentleman had spoken of it as one which would remove certain difficulties of account; but he (Mr. Rylands) was quite unable to see how it

could do so. Then, if it were a question of punishing deserters and men who enlisted fraudulently, surely the 12th and 13th clauses of the Bill provided ample punishments for such persons. Was the object of the clause to add to the punishment already existing in the Bill, or was it to retain men in the Army for a longer period than that of their original enlistment? But the right hon. and gallant Gentleman knew a great deal better than he (Mr. Rylands) that to retain men of bad character, after two or three fraudulent enlistments, would be the greatest possible disadvantage to the Service. The great difficulty to be contended with was that boys were taken into the Service without any reference to their character. They took a lad who, perhaps, having got into some difficulty, and being morally and physically unfitted for the Service as well, rushed to the recruiting sergeant and enlisted in the Army, from which, after a year or two, he probably deserted, adding to the difficulties of Army regulation by becoming a worthless, but expensive, unit in the number of their soldiers. He could not see the good of retaining this clause, for, in his opinion, the best thing to do with a bad fellow who deserted once or twice was to punish him and get rid of him from the Army as soon as possible; otherwise, he believed, there would always remain a great deal of difficulty with regard to desertion. It also appeared to him that greater care should be taken to get young men as recruits of tolerably good character; but having provided in Clauses 12 and 13 for the punishment of desertion and fraudulent enlistment he doubted whether it was necessary to resort to the power proposed to be given by the clause under discussion.

MR. HOPWOOD said, the object of the clause was expressed in the words "the whole of his prior service shall be forfeited." He objected that the Committee should put into an Act of Parliament a second punishment as a consequence of another sentence, and give the court no option of modifying it, or relieving the prisoner in regard to it. There was a very strong objection to such undue severity in enactments which were intended to operate for the repression of crime, and mere irregularity, or offences. Who were the people to be affected by this clause, and who was it the whole of whose prior service should

dealt with desertion and fraudulent enlistment, and made it imperative upon the court martial to punish all offenders, great or small, no matter whether their time of service was long or short. The right hon. and gallant Gentleman had very properly said that some soldiers deserted and re-deserted time after time, and that the result was they were the greater part of their lives in gaol. The argument of those who opposed the clause did not apply to men of that stamp, who would have nothing in consequence to forfeit in point of service. But the punishment of forfeiture would fall very heavily upon the well-conducted soldier, who had little recorded against him; but who, for some reason or other, deserted nearly at the end of his term of service. Such a man might easily be absent for a time without leave, and through a number of circumstances, which daily occurred, might be prevented from returning to his regiment, and the court martial might find him guilty of desertion and punish him; but the clause laid it down that in addition to the punishment to be awarded he should suffer a further very severe penalty in the loss of all his previous service. Again, with regard to fraudulent enlistment, a recruit of 17 went before the justices and swore he was 18 years of age; at the end of seven years, perhaps, when he had become a good and useful soldier, he was found out, and the court martial might award him punishment for having fraudulently enlisted. He (Mr. Biggar) thought it would be proper that the court martial should have the option of making a soldier forfeit his service or not. But to say first that the court martial should inflict punishment for desertion, and then to impose the additional punishment of forfeiture, was monstrous.

COLONEL STANLEY said, the clause was one which he must ask the Committee to pass in the form in which it was left on Monday last. The hon. and gallant Member for Cork (Colonel Colthurst) had very truly reminded the Committee that it should not allow sympathy for the soldiers who were under punishment to extend so far as to diminish the respect for the good soldiers who were serving in the Army. He proposed to take out sub-sections *c* and *d*; but with regard to desertion from Her Majesty's Service and fraudulent enlist-

ment, these were crimes which could not but be perpetrated by the soldier himself, and which could not in any way be forced upon him; he therefore felt bound to retain the sub-sections *a* and *b*. With reference to the case of men who were supposed to desert in order to join friends in other regiments, he had almost said it was nonsense to talk about such cases; for he believed, when good grounds existed, there was no difficulty whatever in a man being allowed to enter another regiment. But, be that as it might, he did not think any man had a right to be at liberty to transfer himself whenever he pleased. Such a man had entered into an engagement by the terms of which he must abide. He had already pointed out how great a blot upon the Army was desertion; while fraudulent enlistment amounted to a regular trade; and he quite admitted that the Government wanted to deal with those crimes more severely than had been the case hitherto; and it was felt necessary, while relieving the soldier of the consequences of some minor offences, to hit him harder for crimes committed not only against the State, but against his comrades. As the matter stood, a soldier guilty of desertion from Her Majesty's Service, or of fraudulent enlistment, *ipso facto*, would forfeit his service; he chose to break his engagement and incur this penalty, and the State was right in considering him as entering into an engagement *de novo*. He did not think that, in view of the present short service in the Army, it was at all unreasonable to ask the Committee to assent to the clause as amended.

SIR GEORGE CAMPBELL wished to see words inserted in the clause to enable commanding officers, in some cases, to reduce the forfeiture of service to a shorter period than the whole time of service. He put the case of a man who had served 10 years, and borne a high character, who, being sent to a bad station, suffered in his health, and for some reason or other, in a moment of weakness, deserted. The commanding officer, although he might wish to punish the man by, say, two years' forfeiture, would be absolutely compelled by law to forfeit the whole 10 years' service. He thought some provision should be made in the clause to meet cases of that kind.

COLONEL COLTHURST said, he wished to bring under the notice of the right hon. and gallant Gentleman the Secretary of State for War the fact that the present Bill, unlike the old Mutiny Act, did not contain any power to punish a man who confessed himself to be in the Militia at the time of his enlistment in the Army.

MR. O'DONNELL said, that the right hon. and gallant Gentleman, as well as all military men, laid great stress upon the fact of the soldier entering into a contract, and deserving no mercy if he voluntarily broke it. That would be quite true with regard to a contract entered into under ordinary civil conditions; but it must be borne in mind that when a minor entered into a contract, in order to make it binding upon him, he must re-consent to it when he came of age. But, in this case, not only to the detriment of the principles of civil right, but to the detriment of the efficiency of the Army, the State took into its service boys who were legally incapable of binding themselves by contract. The contract referred to by the right hon. and gallant Gentleman was no reason why these boys should be bound down to what might be the folly of their youth at 18 or 19; nor was it a reason for treating them as deserters, just as if they were men of full age. It was necessary to do one of two things; either to insist that no one should enter the Army who was not of full age, or to draw a distinction between the contract entered into by a boy, and the contract entered into by a man of full age. Let men of full age, if necessary, be treated with severity; but he maintained that there was a great deal of room for mercy to be shown to lads of 18 or 19, whom it would be a violation of the rules of civil life to bind down to the engagements of their minority.

MR. RYLANDS, while he entirely agreed with the right hon. and gallant Gentleman the Secretary of State for War as to the gravity of the offences of desertion and fraudulent enlistment, and while he agreed that those offences should be punished and prevented, was bound to express his great doubt as to the necessity of this clause. The right hon. and gallant Gentleman had spoken of it as one which would remove certain difficulties of account; but he (Mr. Rylands) was quite unable to see how it

could do so. Then, if it were a question of punishing deserters and men who enlisted fraudulently, surely the 12th and 13th clauses of the Bill provided ample punishments for such persons. Was the object of the clause to add to the punishment already existing in the Bill, or was it to retain men in the Army for a longer period than that of their original enlistment? But the right hon. and gallant Gentleman knew a great deal better than he (Mr. Rylands) that to retain men of bad character, after two or three fraudulent enlistments, would be the greatest possible disadvantage to the Service. The great difficulty to be contended with was that boys were taken into the Service without any reference to their character. They took a lad who, perhaps, having got into some difficulty, and being morally and physically unfitted for the Service as well, rushed to the recruiting sergeant and enlisted in the Army, from which, after a year or two, he probably deserted, adding to the difficulties of Army regulation by becoming a worthless, but expensive, unit in the number of their soldiers. He could not see the good of retaining this clause, for, in his opinion, the best thing to do with a bad fellow who deserted once or twice was to punish him and get rid of him from the Army as soon as possible; otherwise, he believed, there would always remain a great deal of difficulty with regard to desertion. It also appeared to him that greater care should be taken to get young men as recruits of tolerably good character; but having provided in Clauses 12 and 13 for the punishment of desertion and fraudulent enlistment he doubted whether it was necessary to resort to the power proposed to be given by the clause under discussion.

MR. HOPWOOD said, the object of the clause was expressed in the words "the whole of his prior service shall be forfeited." He objected that the Committee should put into an Act of Parliament a second punishment as a consequence of another sentence, and give the court no option of modifying it, or relieving the prisoner in regard to it. There was a very strong objection to such undue severity in enactments which were intended to operate for the repression of crime, and mere irregularity, or offences. Who were the people to be affected by this clause, and who was it the whole of whose prior service should

be forfeited? First, the soldier who deserted; secondly, the soldier who fraudulently enlisted. Now, the latter, he assumed, might be a grave case. But the Bill did exactly the same for the man who confessed himself to be a deserter, and with regard to whom the authorities had taken so lenient a view that they dispensed with his trial by court martial, as it did for the man who fraudulently enlisted. Did the Committee intend to rank together these two classes—those who were condemned by court martial, and those who were lesser offenders? He understood the right hon. and gallant Gentleman to say he was going to take out the words “if having been committed as a deserter by a court of summary jurisdiction;” in his (Mr. Hopwood’s) opinion it would also be well to take out the other words “or having confessed the offence he is liable to be tried,” because the offenders were both on a par as to the degree of their crime; one having been condemned by court martial—in regard to whom the case, perhaps, was not so strong—and the trial of the other having been dispensed with by competent authority. Then the right hon. and gallant Gentleman said that a great deal of book-keeping was to be saved by the adoption of the clause. But was it the argument of the right hon. and gallant Gentleman that that was to be effected at the expense of justice? Then, he had told the Committee that desertion and fraudulent enlistment were crimes which a man could not be forced to commit. What crimes could a man be forced to commit? The crimes which a man was forced to commit, he (Mr. Hopwood) apprehended ceased to be crimes at all. Take the case of a man under a non-commissioned officer, who treated him with brutality and bullied him; such cases were by no means uncommon, and many a man had been morally compelled to desert by the pressure put upon him in that way. Was that to be ranked with the crime of fraudulent enlistment, which had ever been, and must always be, a much more voluntary act than desertion? It ought not to be stereotyped in the Act of Parliament which the Committee were about to pass, that neither the court nor the authorities should have any option in the matter of forfeiture of service merely to save a few columns of book-keeping.

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COLONEL ALEXANDER said, at present, a soldier who had deserted and been tried by court martial forfeited the whole of his previous service; but, if he kept clear of the regimental defaulters’ book, he, at the end of five years, appeared before the commanding officer, and requested that his service might be restored. The commanding officer forwarded the application to the Secretary of State for War, who, as a matter of course, agreed to the restoration of service. He (Colonel Alexander) wished to point out that restoration after five years, under the present system of service, was rather too long deferred. The period of five years was all very well under the old system; but now, when a man had to serve six years with the Colours and six years with the Reserve, it was too much to expect that he should have to serve five years more in order to obtain restoration of service. He had already expressed his opinion upon this point, in reply to a Circular from the War Office, that the time should be reduced to two years, which he still thought would be sufficient under the present system of enlistment for six years.

Amendment negatived.

COLONEL STANLEY moved the omission of sub-section *d*, which provided that the whole of the prior service of a soldier should be forfeited, if he should be convicted of the offence of not having, when released as a prisoner of war, rejoined his regiment as soon as he could and ought to have done.

Amendment agreed to; sub-section omitted accordingly.

COLONEL STANLEY moved the omission of the words “by a court of summary jurisdiction,” in lines 27 and 28, observing, that although a man might be convicted as a deserter by a court of summary jurisdiction, he might be restored by the proper military authority.

Amendment agreed to; words struck out accordingly.

MR. HOPWOOD moved, as an Amendment, in page 41, line 31, to leave out the words “the whole of his previous service shall be forfeited,” in order to insert the words—

crimes of desertion and fraudulent enlistment should be placed with the other crimes, and that a man should be allowed to reckon his service prior to the commission of the offence. In the case of these two crimes, he had considered that forfeiture of past service should be a part of the sentence. He might be right, or he might be wrong, in that view; but that was the view he held. With regard to these two very serious crimes, his opinion was that, *ipso facto*, a soldier should forfeit his previous service. With regard to the remarks of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), they were entitled to very great respect; but the hon. and gallant Member must remember that, at the time he spoke of, courts martial could not find a man charged with desertion guilty of any lesser offence.

SIR ALEXANDER GORDON expressed dissent from that view.

COLONEL STANLEY said, that now, under Clause 56, the court might find a man, who was charged with desertion, guilty of the lesser crime of absence without leave. There was, moreover, power in the Act to restore a man's service. He hoped that the Committee would now take a division upon the Amendment.

MAJOR NOLAN begged to differ from the right hon. and gallant Gentleman the Secretary of State for War in what he had said. If his (Major Nolan's) recollection served him right, there were between 2,000 and 3,000 men convicted every year of the offence of desertion—that was to say, there were about 5,000 deserters, and between 2,000 and 3,000 that were apprehended. They should remember that in dealing with this crime they were enormously increasing the punishment for an offence which existed to a very large extent, and were adopting a course which, in dealing with civilians, would not be tolerated. The clause provided that where a soldier of the Regular Forces was found guilty of any of the following offences, desertion from Her Majesty's Service, &c.:—

“Then either upon his conviction by court martial of the offence, or (if having been committed as a deserter by a court of summary jurisdiction, or having confessed the offence, he is liable to be tried), upon his trial being dispensed with by order of the competent military authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as a

soldier of the regular forces for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date.”

The Committee would thus see what a very severe punishment that was; the whole prior service of a man was forfeited, and a man who had served 14 or 15 years would have to commence his service over again. It was very hard upon old soldiers, amongst whom there were some hundreds of desertions every year. The punishment was too heavy, unless some power of mitigating it was given to the court martial. If the right hon. and gallant Gentleman the Secretary of State for War said that he would accept his (Major Nolan's) Amendment, he should be content not to divide upon the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood). He would suggest that the clause should be amended in this way—by saying that the whole of a man's prior service should be forfeited

“Unless a court of competent military authority specifically orders only a portion of the soldier's service to be forfeited, in which case only the portion of the service so ordered to be forfeited shall be forfeited.”

That would leave it to the court before whom a deserter was tried to mitigate the punishment. The clause, as it was drawn, was very harsh indeed; he would not complain of the drafting; but he thought something more should have been done on the side of mercy. It ought to be left to a court martial, or to the military authorities, to dispense, in such cases as they should think it right, with the forfeiture of the whole or any portion of the service. But, under the clause, if a man who had been 21 days absent, and was found in plain clothes when apprehended, he had to be tried and found guilty of desertion, and then this very severe punishment was imposed.

AN HON. MEMBER thought the longer a man had served the greater was his punishment under this clause, and it seemed to him that its operation would be very unjust and hard. He was in favour of leaving the sentence, as much as possible, in the discretion of courts martial. If a soldier deserved a hard sentence, probably a court martial would give it to him; but if he did not deserve a severe sentence, then he thought that a court martial should have power to treat him with mercy.

Colonel Stanley

gation in their favour in the present case. He was quite sure that the right hon. and gallant Gentleman the Secretary of State for War did not wish to be severe upon soldiers, and that he was really resisting his own convictions in insisting upon this clause. He would ask the right hon. and gallant Gentleman to be a little merciful upon this occasion, and to yield to his own good feelings in the matter. Although it might be a very good thing to follow the advice of the military authorities by whom he was advised, yet they knew that those gentlemen were much too fond of red tape; and it was for them, sitting there as legislators, not to let their judgment be warped from what they thought right, merely because those authorities were in favour of severe punishment.

MR. O'DONNELL ventured to say that this proposed penalty must act directly contrary to the desire of the Government. If a soldier deserted under the influence of some passing fancy, but afterwards repented, and wished to come back into the Army, a punishment was here enacted which would deter him from going back, and would punish him for repenting. After having confessed his offence, he was liable to be tried and to lose all his service, simply because he might have been a few weeks, or two months, away from his duty. The effect of the clause was to prevent a man who was disposed to go back doing so; and it would rather induce him to betake himself to America or the Colonies, for he would find that if he went back, this Act of Parliament absolutely forfeited to him all his prior service. In the whole course of his life he had never seen—not even in legislation for Ireland—a more absurd clause. He ventured, respectfully, to urge upon the attention of hon. Members of the Committee that this clause was putting a premium upon desertion. He should be very happy to hear any reason to alter his opinion; but, so far as most of them could see, the only effect of this clause was to punish a man for going back to his duty.

COLONEL STANLEY observed, that the effect of the clause was not what had been attributed to it by hon. Members. If a man came back he was tried; but his return would be taken as an extenuating circumstance, under Clause 56, by which a prisoner charged

before a court martial with desertion might be found guilty of the minor offence of being absent without leave.

SIR ALEXANDER GORDON said, that formerly it was necessary for every soldier to be sentenced to forfeit his service. A power was given at one time to sentence a soldier to forfeit his further service as well; but that power was subsequently taken away, as it was held to be wrong. They were only going back now to what was the custom 20 or 25 years ago. Perhaps it would meet some of the objections that had been raised to enact that if a man voluntarily came back he should not necessarily forfeit his former service, but, at the option of the court, might be allowed to count his service up to the time of desertion. He thought that a power of that kind in the hands of the court martial would be instrumental in inducing men to return to their duty.

MR. PARNELL thought that the hon. Member for Dungarvan (Mr. O'Donnell) had made a very good point, when he said that this clause gave the military authorities power to dispose, without trial, of the case of a soldier who had deserted and returned, and to punish him for this offence without trying him. The competent military authorities were given power to sentence a soldier without trial, and to inflict the punishment upon him of forfeiture of his services, without having ascertained that he was guilty of the offence at all. That seemed to him to be a very extraordinary proposal, and he did not think that the working of the clause was generally understood. The clause gave the military authorities power to dispose of a case without trial, and to sentence a man, and to punish him for an offence of which he might not be guilty. In his opinion, it would be a very fair course to postpone this clause, until the Government should see that the position they were taking up was indefensible.

COLONEL STANLEY hoped that hon. Gentlemen would not think him guilty of discourtesy in saying that he thought it would be very hard upon the Committee to postpone the clause. He begged to point out to the Committee that if this clause had been made more stringent, yet benefits had been extended to the soldier by the Bill in other directions. He had thought it undesirable that these two very serious

hold something *in terrorem* over soldiers to check the crime; at the same time, he thought it was right that there should be ample power to remit the sentence of forfeiture to any extent and to any period.

MR. O'DONNELL had listened very carefully to everything that had fallen from the right hon. and gallant Gentleman the Secretary of State for War, and it did not seem to him that he had answered the objections which had been raised to the clause. He did not think he should be doing an injustice to the right hon. and gallant Gentleman if he stated that his argument was altogether wrong. He proposed to deprive a soldier, under an Act of Parliament, of all benefit of his previous good service with the Colours, and, by way of recompense, gave him the benefit of his service on the tread-mill, or in gaol. He did not think that he was misrepresenting the right hon. and gallant Gentleman's argument in saying that. The right hon. and gallant Gentleman actually refused to listen to experienced Members on his own side of the House; and when they suggested a proper punishment for the offence, he still insisted upon forfeiture, under the clause, of all the previous good service of the deserter, although he allowed the man to count as service the number of years that he spent in gaol. That seemed to him the most extraordinary manner of which he had heard of for meeting an argument. He ventured to say that, considering the thinness of the Committee and the importance of this clause, he felt that he ought to move to report Progress, until the House was more fairly filled. This was a clause of the very first importance, and required the fullest consideration. This clause proposed to punish a deserter who had confessed his crime by the forfeiture of all his previous service. They contended that this was directed against expediency, and was contrary to the public service. It tempted a temporary deserter to become a permanent one; and the recompense that was proposed for the injustice inflicted was to allow the soldier to count as good service the months or years that he had spent in gaol. He was sure that the argument which the right hon. and gallant Gentleman had put forward did not emanate from himself; but had been instilled into his mind from some mischievous quarter to which

he was bound to pay reverence from official reason. The right hon. and gallant Gentleman also said that the court martial, before whom a deserter was brought, could convict a man of only having been absent without leave instead of convicting him of desertion. That was an extraordinary way out of the difficulty. A deserter who wished to give himself back to the Service ought to be treated more leniently; but he had been undoubtedly guilty of desertion, and it was actually suggested by the right hon. and gallant Gentleman that a court martial should find him guilty of another crime. Such a suggestion as that aimed directly at the reputation of courts martial. The suggestion was, that in order to get out of this very barbarous clause a court martial should find a man guilty, not of the offence which he had actually committed, but of an offence which he had not committed. A man, when guilty of desertion, ought to be punished for desertion, and not, as had been suggested, for an offence which he had not committed of a minor character. There was a story of an Irish jury before whom a man was placed on a charge of murder. There was not a tittle of evidence against him on the charge of murder, and the Judge charged the jury directly against his conviction; but, notwithstanding that, the jury found him guilty of murder. The Judge expressed his surprise at such a course; but the jury answered calmly that the man was not guilty of murder, but that he was a notorious horse-stealer. That was the kind of morality which the right hon. and gallant Gentleman sought to inculcate upon courts martial. He thought, under the circumstances, he should be justified in moving to report Progress, in order that a full House might understand the casuistry which Pascal never approached, and by which the right hon. and gallant Gentleman attempted to get out of the difficulty.

THE CHAIRMAN inquired, Whether the hon. Member for Dungarvan moved to report Progress?

MR. O'DONNELL: No, Sir.

MAJOR NOLAN could see no reason why the right hon. and gallant Gentleman the Secretary of State for War should not accept some Amendment upon the clause. The more he read the clause the more strongly was he opposed to the Committee giving such sweeping

powers as were contained in it. He would draw the attention of hon. Members to Clause 80, which enforced this clause—

“Where a soldier of the regular forces has been guilty of the offence of desertion from Her Majesty's service or of fraudulent enlistment, and has either been convicted of the same by a court martial, or having confessed the offence, or been committed by a court of summary jurisdiction as a deserter, is liable to be tried, but his trial has been dispensed with by order of the competent military authority. . . . such soldier shall be liable to general service, and may from time to time be transferred to such corps of the regular forces as the competent military authority may from time to time order.”

The same power was given if a man had been sentenced by a court martial, for any offence, to a punishment of not less than four months' imprisonment. Those two clauses, taken together, amounted to this—that a man who had four years' service to put in was really made to serve for two years longer. A man might have joined with the idea that he was to spend all his time in England; but a power was taken to send him abroad to the Colonies, if sentenced to a short term of imprisonment. He was not objecting to a man being sent away for foreign service, instead of being kept in gaol; but the effect of the provision was very much like transporting a man for six years—it was very nearly the same punishment as the old sentence of transportation for seven years. Such a power as that was greater than was placed in the hands of the Judges; and it seemed to him that in some cases it would cause great injustice. A man might be sent to a good station in India, but it was quite likely that he might be sent to a bad station; and the difference between his condition and that of convicts under the old transportation system would not be very great. When the power was taken to send a deserter out to India, it was not worth while to send him out for two years and to bring him back at the end of the period; but what the Bill did was to say—“We will start afresh with six years' service, and send him out for that period.” When such sweeping changes as those were made, there ought to be some power either in the Secretary of State or a competent military authority, in extreme cases, to remit or reduce the sentence. It was not right that in all cases a court should be obliged

to ignore all the past services of the criminal, and that it should be left in the power of the Secretary of State for War by general rules to send a man out of the country for six years. Unless some modification in this clause were made, he thought that the right hon. and gallant Gentleman would probably find that great opposition would be raised to Clause 80. If the right hon. and gallant Gentleman would accept either his Amendment or any other embodying the same principle he should be quite content.

Question put.

The Committee divided:—Ayes 62; Noes 42: Majority 20.—(Div. List, No. 134.)

MAJOR NOLAN said, that he had to propose that the following Amendment should be made in the clause:—To insert in page 41, line 31, after the words “the whole of his prior service shall be forfeited,” the words—

“Unless the court or some competent military authority specifically orders that only a portion of the soldier's service be forfeited, in which case such portion of his service shall be forfeited.”

This alteration would simply leave the court martial or the competent military authority power in special cases, which they might exercise once in 20 times, to award any less punishment than forfeiture of the whole of the man's previous service.

COLONEL STANLEY said, that he had some words to propose as an Amendment to the clause, which he thought would meet the views of the Committee. He only wished to make it quite clear that forfeiture of service was one thing, and restoration of previous service was another. He proposed to add to the clause—

“The Secretary of State may restore the whole or any portion of the service forfeited under this clause to any soldier who has performed good and faithful service up to the time of such restoration, if he be recommended to do so by the court martial before whom the trial takes place.”

MAJOR NOLAN said, he was willing to withdraw his Amendment in favour of that of the right hon. and gallant Gentleman the Secretary of State for War.

Amendment (*Major Nolan*), by leave, *withdrawn*.

Amendment (Colonel Stanley) agreed to; words inserted accordingly.

Clause, as amended, agreed to.

Proceedings for Enlistment.

Clause 77 (Proceedings for enlistment).

MR. O'DONNELL moved the omission of the words in page 41, lines 40 and 41, "for the time being authorized by a Secretary of State," for the purpose of inserting in lieu of them the words, "hereafter annexed." In important cases, such as those to which the clause related, it was, he said, in his opinion, extremely desirable that the form stating the general requirements of attestation should be set forth in the Bill itself. That would be a much better mode of proceeding than to leave the form to be decided upon by the Secretary of State; because there might not be always at the head of the War Department a man who would act so reasonably, and in whom such reliance could be placed, as the right hon. and gallant Gentleman who at present occupied that position. If a proper form of attestation were inserted in the Bill, specifying all the essential obligations into which a soldier entered on joining the Army, then all doubt in the matter would be removed. After all that had been said, in the course of the discussions of the Bill, as to a contract being made between soldiers and the Government, it was but fair, he maintained, that there should be a statement of the conditions on which that contract was based; and with all the experience possessed by the Horse Guards of the requirements of the Service, there ought to be no difficulty in introducing a regular form of attestation by way of annex to the Bill, instead of leaving it to be "for the time being authorized by a Secretary of State." The Committee had now an opportunity of deciding exactly what they thought ought to be done in the matter, and what it was that, in their opinion, ought to be required of a recruit; but if they allowed that opportunity to pass, it might be very difficult to amend the Act once it had become law.

COLONEL STANLEY said, that if the hon. Gentleman would consider a little more carefully the nature of his Amendment, he would find that its adoption

would defeat the object which he had in view in moving it. Although he (Colonel Stanley) did not suppose there was anything like finality about any measure, still he hoped, and thought, that the present Bill might fairly be regarded as a permanent settlement of the questions with which it dealt. He quite concurred with the hon. Gentleman in the opinion that it was desirable recruits should know the nature of the contract into which they entered when they joined the Army, and what the obligations were to which they made themselves liable. But that was a different thing from stereotyping the form of attestation, which was, he thought, open to very great objection. Suppose a man enlisted for six years, and that at the end of three years it was deemed desirable to pass him into the Reserve, the military authorities might find their hands tied by the Act, if the Amendment were accepted. He quite understood what the object was which the hon. Gentleman sought to carry out; but he was of opinion that it could be more satisfactorily attained by making the terms of attestation known to a recruit, and duly setting them forth in the small account-book with which he was furnished.

MR. BRISTOWE hoped the hon. Member for Dungarvan (Mr. O'Donnell) would not persevere with his Amendment, and said it was extremely inconvenient that, upon a technical question such as that to which it related, an Amendment should be proposed without any previous Notice. The right hon. and gallant Gentleman the Secretary of State for War was, he thought, quite right in saying that it was not desirable that the form of attestation should be stereotyped in the Bill. It was really much better that a certain latitude in the matter should be left to the Executive; and, entertaining that opinion, he should certainly vote against the Amendment if it were pressed to a division.

MAJOR NOLAN thought the mode of enlistment prescribed by the clause was an improvement on the old system. Under the old system, if a man agreed to enlist he had to pay £1 if he wanted to get off his engagement; and it very often happened that he had not the pound, so that he was obliged to enter the Army against his will. That system

being abolished, enlistment would be effected in accordance with the forms of a legal proceeding, which, in his opinion, would be a great advantage to the recruit.

Mr. BIGGAR was very much disposed to agree with the hon. and learned Member for Newark (Mr. Bristowe), that it was very inconvenient, generally speaking, that Amendments should be moved without Notice. In the present instance, however, it was very easy to understand what the Amendment before the Committee meant. He should certainly support the Amendment; because he was strongly opposed to delegating the powers which the clause would confer to the military authorities. The House might deem the rules laid down in the form authorized by the Secretary of State unreasonable; and even suppose it were provided that the rules for attestation should be laid on the Table of the House, it would require, if any hon. Member objected to them, that he should give Notice of Motion on the subject, and take the opinion of the House upon them before they could be changed. But for an independent Member it would be practically impossible to succeed in effecting such a change; and as nothing could be more easy than that the form of attestation should be inserted in the Bill itself, he hoped the Committee would agree to the Amendment.

Mr. PARNELL said, he had always been of opinion that it was dangerous for the House of Commons to give such large powers to the Secretary of State as the clause before the Committee would confer upon him. There had been a variety of Acts passed in modern times, giving the Secretary of State similar powers, and in nearly every instance the result had been exceedingly unsatisfactory. The Committee had already assented to a clause which would enable the Secretary of State for War to frame rules; and now again they were asked to confer upon him the power to draw up a notice stating the general requirements of attestation in such form as he might think fit, and which he might alter from time to time as he pleased. If the clause were passed in its present shape, the Committee would, he contended, have no means of knowing that the notice would fulfil the conditions which they desired. What they desired was, that the recruit should be guarded

against making any mistake; but that object might not to be secured by such a notice as the Secretary of State might deem it desirable to authorize. The notice, as authorized by him, would be drawn up for the convenience of the military authorities, and not for the protection of the soldier; and the Committee ought not, he thought, to be too much led away by a deference to the views of the military authorities, especially as they had no little opportunity of knowing what were the views on the subject of the class that would, in reality, be most affected by the legislation on which they were now engaged. The soldier, as a matter of fact, was entirely precluded from giving his opinion on questions in which he was so deeply interested. He was not represented in that House. He had no vote, and was entirely unprotected, so far as the legislation which was initiated by the House was concerned. It was exceedingly necessary, therefore, that when power to make rules or to draw up forms was given to the Secretary of State, it should be defined, if possible, in some sort of way, and that could best be done in the present case by inserting the form of attestation in the Bill. What reasonable objection, he should like to know, could be urged against the Amendment? When the Committee saw the form, they would be able to judge whether it was in accordance with their notions on the subject or not, and some opportunity might be afforded, also, of ascertaining the opinion of the soldier with respect to it. But if the clause were agreed to in its present shape, the Committee would be left all in the dark. Of course, they might be told that, if they liked, they could see the form; but they could not be sure that, after the Bill had passed, an entirely new set of regulations might not be drawn up with regard to enlistment. He, for one, strongly objected to having such vague powers conferred upon a Secretary of State; because he never knew a Secretary of State yet who did not abuse the authority which was intrusted to him in so vague and general a way. As the Committee were aware, it was a course very frequently adopted to provide that rules and regulations with respect to certain matters should be laid on the Table of the House for 40 days; and that, at least, should be done,

Amendment (*Colonel Stanley*) agreed to; words inserted accordingly.

Clause, as amended, agreed to.

Proceedings for Enlistment.

Clause 77 (Proceedings for enlistment).

MR. O'DONNELL moved the omission of the words in page 41, lines 40 and 41, "for the time being authorized by a Secretary of State," for the purpose of inserting in lieu of them the words, "hereafter annexed." In important cases, such as those to which the clause related, it was, he said, in his opinion, extremely desirable that the form stating the general requirements of attestation should be set forth in the Bill itself. That would be a much better mode of proceeding than to leave the form to be decided upon by the Secretary of State; because there might not be always at the head of the War Department a man who would act so reasonably, and in whom such reliance could be placed, as the right hon. and gallant Gentleman who at present occupied that position. If a proper form of attestation were inserted in the Bill, specifying all the essential obligations into which a soldier entered on joining the Army, then all doubt in the matter would be removed. After all that had been said, in the course of the discussions of the Bill, as to a contract being made between soldiers and the Government, it was but fair, he maintained, that there should be a statement of the conditions on which that contract was based; and with all the experience possessed by the Horse Guards of the requirements of the Service, there ought to be no difficulty in introducing a regular form of attestation by way of annex to the Bill, instead of leaving it to be "for the time being authorized by a Secretary of State." The Committee had now an opportunity of deciding exactly what they thought ought to be done in the matter, and what it was that, in their opinion, ought to be required of a recruit; but if they allowed that opportunity to pass, it might be very difficult to amend the Act once it had become law.

COLONEL STANLEY said, that if the hon. Gentleman would consider a little more carefully the nature of his Amendment, he would find that its adoption

would defeat the object which he had in view in moving it. Although he (*Colonel Stanley*) did not suppose there was anything like finality about any measure, still he hoped, and thought, that the present Bill might fairly be regarded as a permanent settlement of the questions with which it dealt. He quite concurred with the hon. Gentleman in the opinion that it was desirable recruits should know the nature of the contract into which they entered when they joined the Army, and what the obligations were to which they made themselves liable. But that was a different thing from stereotyping the form of attestation, which was, he thought, open to very great objection. Suppose a man enlisted for six years, and that at the end of three years it was deemed desirable to pass him into the Reserve, the military authorities might find their hands tied by the Act, if the Amendment were accepted. He quite understood what the object was which the hon. Gentleman sought to carry out; but he was of opinion that it could be more satisfactorily attained by making the terms of attestation known to a recruit, and duly setting them forth in the small account-book with which he was furnished.

MR. BRISTOWE hoped the hon. Member for Dungarvan (*Mr. O'Donnell*) would not persevere with his Amendment, and said it was extremely inconvenient that, upon a technical question such as that to which it related, an Amendment should be proposed without any previous Notice. The right hon. and gallant Gentleman the Secretary of State for War was, he thought, quite right in saying that it was not desirable that the form of attestation should be stereotyped in the Bill. It was really much better that a certain latitude in the matter should be left to the Executive; and, entertaining that opinion, he should certainly vote against the Amendment if it were pressed to a division.

MAJOR NOLAN thought the mode of enlistment prescribed by the clause was an improvement on the old system. Under the old system, if a man agreed to enlist he had to pay £1 if he wanted to get off his engagement; and it very often happened that he had not the pound, so that he was obliged to enter the Army against his will. That system

being abolished, enlistment would be effected in accordance with the forms of a legal proceeding, which, in his opinion, would be a great advantage to the recruit.

MR. BIGGAR was very much disposed to agree with the hon. and learned Member for Newark (Mr. Bristowe), that it was very inconvenient, generally speaking, that Amendments should be moved without Notice. In the present instance, however, it was very easy to understand what the Amendment before the Committee meant. He should certainly support the Amendment; because he was strongly opposed to delegating the powers which the clause would confer to the military authorities. The House might deem the rules laid down in the form authorized by the Secretary of State unreasonable; and even suppose it were provided that the rules for attestation should be laid on the Table of the House, it would require, if any hon. Member objected to them, that he should give Notice of Motion on the subject, and take the opinion of the House upon them before they could be changed. But for an independent Member it would be practically impossible to succeed in effecting such a change; and as nothing could be more easy than that the form of attestation should be inserted in the Bill itself, he hoped the Committee would agree to the Amendment.

MR. PARNELL said, he had always been of opinion that it was dangerous for the House of Commons to give such large powers to the Secretary of State as the clause before the Committee would confer upon him. There had been a variety of Acts passed in modern times, giving the Secretary of State similar powers, and in nearly every instance the result had been exceedingly unsatisfactory. The Committee had already assented to a clause which would enable the Secretary of State for War to frame rules; and now again they were asked to confer upon him the power to draw up a notice stating the general requirements of attestation in such form as he might think fit, and which he might alter from time to time as he pleased. If the clause were passed in its present shape, the Committee would, he contended, have no means of knowing that the notice would fulfil the conditions which they desired. What they desired was, that the recruit should be guarded

against making any mistake; but that object might not be secured by such a notice as the Secretary of State might deem it desirable to authorize. The notice, as authorized by him, would be drawn up for the convenience of the military authorities, and not for the protection of the soldier; and the Committee ought not, he thought, to be too much led away by a deference to the views of the military authorities, especially as they had no little opportunity of knowing what were the views on the subject of the class that would, in reality, be most affected by the legislation on which they were now engaged. The soldier, as a matter of fact, was entirely precluded from giving his opinion on questions in which he was so deeply interested. He was not represented in that House. He had no vote, and was entirely unprotected, so far as the legislation which was initiated by the House was concerned. It was exceedingly necessary, therefore, that when power to make rules or to draw up forms was given to the Secretary of State, it should be defined, if possible, in some sort of way, and that could best be done in the present case by inserting the form of attestation in the Bill. What reasonable objection, he should like to know, could be urged against the Amendment? When the Committee saw the form, they would be able to judge whether it was in accordance with their notions on the subject or not, and some opportunity might be afforded, also, of ascertaining the opinion of the soldier with respect to it. But if the clause were agreed to in its present shape, the Committee would be left all in the dark. Of course, they might be told that, if they liked, they could see the form; but they could not be sure that, after the Bill had passed, an entirely new set of regulations might not be drawn up with regard to enlistment. He, for one, strongly objected to having such vague powers conferred upon a Secretary of State; because he never knew a Secretary of State yet who did not abuse the authority which was intrusted to him in so vague and general a way. As the Committee were aware, it was a course very frequently adopted to provide that rules and regulations with respect to certain matters should be laid on the Table of the House for 40 days; and that, at least, should be done,

he thought, in the case of the form of attestation, so that it might be in the power of any hon. Member to object to it, if he should think fit. If the right hon. and gallant Gentleman the Secretary of State for War declined to assent to some arrangement of the kind, he hoped the hon. Member for Dungarvan (Mr. O'Donnell) would press his Amendment to a division.

COLONEL STANLEY said, he had already explained to the Committee why it was that he objected to the Amendment. He would now point out that the Secretary of State had no means of ascertaining beforehand what might be the requirements of the Service in regard to the number of recruits. Last year the Establishment was, at one time, 5,000 over the number; while, at another time, it was 3,000 under. Owing to so much fluctuation in the numbers there was great difficulty in regulating the number of recruits; and the Secretary of State being the person responsible in the matter, it was necessary that he should be able to exercise some discretion as to the number of men who should be enlisted, either for long or short service. But if a stereotyped attestation form were inserted in the Bill, the Secretary of State would be tied down, no matter what the circumstances of the Army, to one mode of enlistment, and that, in his opinion, would be far from advantageous. He, at the same time, quite agreed with the hon. Member for Dungarvan (Mr. O'Donnell) that it was desirable a recruit should know what it was he contracted to do when he entered the Service; and he proposed that that object should be effected not in the way which the hon. Gentleman proposed by his Amendment—because that would not only be useless, but worse than useless—but by regulation, in accordance with which the terms of enlistment would be made known to the recruit, and a copy of the attestation paper furnished to him in the small account-book relating to various matters with which he was supplied. In that way, effect would be given to what he understood to be the intention of the hon. Member in moving his Amendment.

MR. O'DONNELL said, he quite recognized the force of the objections to the Amendment which the right hon. and gallant Gentleman the Secretary of

State for War had urged; but his object was to tie the hands of the Secretary of State by means of what the right hon. and gallant Gentleman called a stereotyped form, so that if it should hereafter become necessary to alter the general conditions of enlistment for the Army, the Secretary of State should be obliged to come down to that House and apply for direct power to make the change. But the right hon. and gallant Gentleman seemed to think that if the Secretary of State had not authority to alter the form of attestation, as he might from time to time think fit, recruiting, in regard to which there were so many fluctuations in the supply and the demand, would be injuriously affected. For his own part, however, he (Mr. O'Donnell) could not see how stereotyping the form of attestation could at all interfere with the efficiency of the public service in that respect. He presumed the Secretary of State would know how many recruits he wanted at a particular time, and that he would issue instructions for the enlistment of 10,000 or 5,000 men, as the case might be. That was a proceeding in which the question of numbers simply was involved; and he could not see how that question could be affected by stereotyping the conditions of service.

COLONEL STANLEY said, that a great number of men might present themselves for admission into the Army, all of whom might not be required for long service, and a certain portion of whom it would be desirable to enlist for shorter service, with the view of passing them, as speedily as possible, into the Reserve.

MR. PARNELL said, it surely must be very easy to meet fluctuations and variations such as those to which the right hon. and gallant Gentleman the Secretary of State for War referred. If it was deemed desirable to fix the period of service for a longer or a shorter time, in accordance with the requirements of the Army, there ought to be no difficulty in carrying out that object. But the clause was open to the objection, that under its operation there would be no security that the form of attestation would fully explain to the recruit the nature of the contract into which he was about to enter, and the conditions on which he engaged to serve. Now, it was, in his opinion, exceedingly desirable that that should be done, especially

Mr. Parnell

as the recruits who now joined the Army were, in so many instances, very young and ignorant. The Committee might, therefore, he thought, very fairly ask the right hon. and gallant Gentleman the Secretary of State for War to assent to such a modification of the clause as would settle that point. The clause seemed to be drawn up not so much in the interest of the soldier, as for the sake of the military authorities; but he (Mr. Parnell) desired to see the soldier protected, and the clause did not provide those safeguards on which the Committee had, in his opinion, a right to insist. He had read the clause over very carefully, and he strongly objected to the vague way in which it was drawn. A great deal of time would, he thought, be saved, if the right hon. and gallant Gentleman opposite (Colonel Stanley) would make a concession in the matter which, after all, would not be very great, by agreeing to the insertion of the form of attestation in the Bill itself. Parliament, otherwise, would know nothing about it. He hoped the right hon. and gallant Gentleman would not think that those who asked him to make this concession were pressing him unfairly; and he could assure him that he (Mr. Parnell), for one, wished the Bill to pass, believing, as he did, that it would effect a great improvement in the existing state of things. He might mention that he had something like 105 Amendments drafted, which he intended to move on the Bill; but that he had restrained himself from putting them down on the Notice Paper, which was sufficient evidence, he thought, that it was not his intention to try to defeat a measure which he was really desirous should become law. Still, there were points in the Bill in regard to which he was very anxious, and in respect to which, if the right hon. and gallant Gentleman the Secretary of State for War would consent to make some concessions, the proceedings in Committee might get on more smoothly.

MR. O'CONNOR POWER said, there was one point in connection with the conditions laid down for recruiting for the Army with respect to which he should like to get from the right hon. and gallant Gentleman the Secretary of State for War some explanation. Some time ago complaints were made that posters were put up in certain places

to which were affixed placards offering to recruits terms which were of a very dishonourable character. Men, it appeared, were incited to join the ranks of the Army by having the prospect of plunder held out to them, and all that sort of thing, and he was not aware that the reports on the subject had been contradicted, nor had he any reason to believe that they were unfounded. Whatever might be the conditions of service which would be authorized by the present Secretary of State for War, he was sure they would not be of a dishonourable character; but it must be borne in mind that the powers of recruiting were delegated to a number of persons who were in a very different position. If certain means and conditions of recruiting were presented in the attestation form, and an assurance were given by the right hon. and gallant Gentleman the Secretary of State for War that no attempt would be made to enlist men by having recourse to promises which could not be carried into effect without dishonour, some of the objections which were entertained to the clause by his hon. Friend the Member for Dungarvan (Mr. O'Donnell) might be removed.

COLONEL STANLEY said, he knew something of the circumstance to which the hon. Gentleman who spoke last (Mr. O'Connor Power) referred. The hon. Gentleman seemed, however, to labour under a slight misconception as to the real nature of what actually occurred. It was true, he was sorry to say, that a placard of a very indefensible character had appeared, which was first brought under the notice of his hon. Friend the Member for Greenwich (Mr. Boord), to whom it was sent. But that placard had been issued, not by Royal authority; and it had been issued in one of the Colonies by an inferior officer. Steps had since been taken to have the terms cancelled, and the officer who issued the placard censured.

MR. BIGGAR said, that although the clause provided that the Justice should read, or cause to be read, to a recruit the questions set forth in the attestation paper, they might be read so rapidly that it would be impossible for him to catch their exact meaning. In that way a recruit would often be asked to agree to conditions of which he knew little or nothing; and he ought, he (Mr. Biggar) thought, to be afforded a reasonable

opportunity of making himself acquainted with those conditions.

MR. O'CONNOR POWER said, it was provided by the clause that—

"The fee for the attestation of a recruit, and for all acts and things incidental thereto, shall be one shilling and no more ;"

but no provision seemed to be made for paying anything to the "recruiter." Now, he need scarcely point out to the Committee that, in carrying out the system of enlistment, a great deal depended on the character of the recruiting sergeant.

Amendment negatived.

MR. PARNELL said, he had an Amendment to propose, which was a very simple one. He begged to move the insertion in page 41, line 42, after the word "attestation," of the words "and the general conditions of the contract to be entered into by the recruit." The Amendment bore upon the question, which the Committee had been for some time discussing, of the desirability of affording the recruit an opportunity of understanding the terms of enlistment.

Amendment agreed to ; words inserted accordingly.

MR. O'DONNELL moved, as an Amendment, the insertion in page 42, line 2, after the word "justice," of the words "provided he be of full age." It was now provided, he said, that a recruit was to be bound for life by the terms of his contract, and that he should be made liable to a severe penalty for violating those terms. That being so, he desired to make provision that a person entering into a contract of such extreme importance should be really capable of binding himself in that way. He did not propose to introduce any such considerations into the discussion as the expediency of obtaining the consent of the parents or guardians of a young man who offered himself for enlistment before a magistrate ; but those hon. Members who were most warmly attached to the Army must, he thought, agree with him that it would be a great advantage to the Service that recruits should not enter it of immature age—a state of things which was productive of frequent desertion and of much crime. The whole law of the land proceeded upon the principle that a per-

son who entered into a contract of an important character should be capable of doing so ; and the public service would, in the present instance, be greatly benefited by the operation of such an Amendment as that which he proposed : because it would have the effect of stopping, in the course of time, the enlistment of immature recruits by fettering the discretion, in the exercise of which raw and weedy youths were now allowed to enter the Service. A very large number of boys, he believed, who passed themselves off as being 18, but who were, in reality, not more than 17, found their way into the Army ; and those poor lads very soon broke down under the fatiguing duties of military life, and became useless and a great expense to the country, owing to their having to be discharged from the Army, and their being obliged to drag their feeble bodies from infirmary to infirmary, and from public hospital to public hospital, eventually to become a burden upon the ratepayers. But, apart from that consideration, a due regard to the principles of justice demanded that a man who was required to enter into such heavy engagements as were imposed upon a soldier should not be a mere hobbledohoy, pretending to be a man. The matter was one with regard to which he should be very happy to enter into any reasonable compromise ; but he felt disposed to insist that boys of the age of 17, or 18, or 19, who happened to enter into a contract of the kind, should not be regarded, if they broke it, as being bound by any such obligation as a man who, either being of full age, had entered into a contract, or, being of full age, had subsequently ratified a contract into which he had entered while still a minor. He was not disposed to insist too strongly on the literal wording of his Amendment, if the right hon. and gallant Gentleman the Secretary of State for War would only give him an engagement that some such provision as that which he desired should be made. A youth who enlisted under the age of 21 ought to be looked upon, he thought, as being a ward of the Army, and as a minor, who should be held responsible in a less degree for any infringement of his contract than a man who had made himself party to a contract when over 21. He was quite aware of the necessity which existed, in the interest of mili-

Mr. Biggar

tary discipline and the public safety, of keeping men to their contracts; but, at the same time, seeing that soldiers were liable to be flogged, to the forfeiture of their periods of service, and to all sorts of accumulated penalties, it was but fair, in his opinion, that a youth who entered into such a contract when a minor should have some consideration shown to him.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) said, the hon. Member for Dungarvan (Mr. O'Donnell) seemed to be under the impression that, in civil life, a person who was under 21 years of age could not enter into a contract. In that view, however, he was entirely mistaken. How frequently, for instance, did minors apprentice themselves to trades? As he understood the object of the Amendment, he might add, it was to secure for a youth who entered the Army, and who might have understated his age, more lenient treatment in the event of his breaking his contract than another who had stated his age truly. It would, he thought, be most undesirable that effect should be given to any such proposal; and he hoped, therefore, the Committee would not agree to the Amendment.

MR. RYLANDS said, there could be no doubt that the hon. Member for Dungarvan (Mr. O'Donnell) was desirous of raising the age at which recruits might be enlisted. That was a very important question—as no one knew better than the right hon. and gallant Gentleman the Secretary of State for War—and a question which must sooner or later be settled. He was aware, however, that it would be very inconvenient to raise a discussion upon it at the present moment; but when the Committee were dealing with the conditions of enlistment, it was impossible that they could close their eyes to the fact that youths of 17 or 18 years of age might be enlisted, under the operation of the clause as it stood, on terms which many hon. Members believed to be entirely objectionable. He found, from a Return which he held in his hand, that no less than 868 boys under 17 years of age had enlisted in the Army last year; while there were 190 under 18 years, and 7,375 who had enlisted under the age of 19; 5,531 having enlisted between the age of 19 and 20. Now, he had the highest authority for saying that young men

between the ages of 17 or 18 and 20 or 21 were totally unfitted for the duties and hardships of military service. The right hon. and gallant Gentleman the Secretary of State for War knew very well that he might fortify his argument by the authority of Sir Lintorn Simmons, who, in an address which he had delivered at the United Service Institution, had laid it down, with all the weight of his experience, that youths of that age were utterly unsuited for hard military service. They were, he might add, placed in a position of considerable difficulty at the present moment, in consequence of their having relied on boys as recruits for their Army. It might not be without interest to the Committee if he were to mention that Sir Lintorn Simmons, in the address to which he had referred, had made a calculation, from which it appeared that a Cavalry soldier, who enlisted at the age of 18, cost £190 by the time he was 21, and an Infantry soldier £126—that was to say, before they were fit for hard work.

COLONEL STANLEY said, he quite concurred with the hon. Gentleman who had just sat down (Mr. Rylands) that the present was not a convenient occasion on which to discuss the question of the age at which recruits should be enlisted. He regretted that the question should have been raised, all the more because he felt himself to be precluded from entering into it by the fact that a Committee had been appointed, under whose consideration it would come. Besides, he did not think it was advisable that a question of such importance should be dealt with in a discussion on a clause such as that before the Committee. He might, however, point out that, probably, the best time for securing the services of recruits was between the ages of 18 and 21, before they went into trade. Men between the ages of 21 and 24 would, of course, be better for the purposes of the Service; but then they could not be obtained without upsetting the labour market, which it was felt it would not be desirable to do. Some young men, no doubt, had been enlisted who were under the age of 18; but that would be, as far as possible, prevented; and if, in the attestation paper, it was required, as a condition of enlistment, that a recruit should be at least 18 years of age, a practical way of dealing with the question would, he

thought, be set on foot. Of course, if the country was willing to pay £8,000,000 or £10,000,000 a-year more for the Army, it would be much easier to get men for the Service.

MAJOR NOLAN said, the fact was, that their soldiers did not receive that amount of wages which could be considered a fair remuneration for the services of grown-up men. They paid them the wages of boys; and they must not be surprised that the grown-up man was sometimes dissatisfied with the remuneration which he was willing as a boy to accept. What he should suggest was that the soldier should be paid 4d. a-day extra, which would bring his pay up to the average wages which were received by the agricultural labourer in the North of England.

MR. O'CONNOR POWER thought the Amendment of his hon. Friend the Member for Dungarvan (Mr. O'Donnell) was one which would be found to operate very usefully, as testing the question of age. A recruit was allowed to enter the Army at the age of 18; but, so far as the clause was concerned, no provision appeared to be made in it to secure that no one under that age should be enlisted. The age of a recruit, he presumed, constituted one among the qualifications required; and the services of a youth under 18 would not be accepted, just as those of a lame man would be declined. The argument of the hon. and learned Solicitor General (Sir Hardinge Giffard), he might add, did not seem to him to be a sound one; because boys in civil life were not able to enter into contracts of apprenticeship on their own account, and there was usually some adult relative or friend to assist at the operation. He should, however, be happy to defer to any well-considered statement of the hon. and learned Gentleman on that point. There ought, he at the same time thought, to be something like a medical guarantee provided that a recruit was at least 18 years of age, before he was allowed to enlist. After all, the recruiting clauses formed part of the Bill; and he saw no good reason why the Committee, in dealing with them, should be fettered in its action by the fact that there was a Committee on Army Organization sitting upstairs. If the Committee were to be fettered in that way in dealing with the Bill, they could make no progress at all.

Colonel Stanley

He hoped something would be done to secure that a recruit was up to the required standard as regarded age.

MR. BIGGAR wished to point out, in reply to the remarks of the hon. and learned Solicitor General (Sir Hardinge Giffard), that in civil life minors did not enter into contracts, which were always made for them by their parents or guardians. It was not, in his opinion, a very good thing, even on the score of morality, that a minor should be invited to enter into a contract which would be binding on him for several years after he became of age. The proper way of dealing with the matter would be that the boy who made a contract with the military authorities during his minority should be entitled, after he attained the age of 21, to have the opportunity afforded him of confirming it or withdrawing from it.

MR. O'DONNELL said, he must confess that he had been somewhat impressed by the remarks which had been made by the hon. and learned Gentleman the Solicitor General (Sir Hardinge Giffard) with regard to apprenticeship. He did not like to express dissent from any proposition on a legal point which had been enunciated by a man of the hon. and learned Gentleman's great professional reputation. Some of his hon. Friends near him had, however, been more daring, and had controverted the argument of the hon. and learned Gentleman, so that the point could hardly be regarded as quite settled.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, this was a very important matter, although there had been less said about it than it deserved. The law provided special precautions to prevent persons under age from taking any serious step in life against the wishes of their parents. It did not allow them, for instance, to marry. He wished to provide that some care was taken in enlisting young men to ascertain that their parents were satisfied with the step, and that appeared to him a very reasonable thing to ask. What happened very often now? A young man had a dispute with his parents, ran away from home, and enlisted in the Army, taking this very serious step without their knowledge and against their will. They might be people of considerable respectability. They might

have intended him for some other Profession. They might even have trained him for some other Profession which would fit him to take a higher position than that of a rank-and-file in Her Majesty's Service. Yet this boy could enlist without their knowledge, and against their will, and might, perhaps, be hurried off to India or elsewhere, before they even knew what had become of him. This was a very serious thing, which, it appeared to him, would have been guarded against, but for the fact that this Mutiny Act was framed in barbarous times, and had been maintained ever since, almost as a matter of form, and without alteration. When a boy was apprenticed, they required the consent of his parents or guardians; and why should a recruit be allowed to take this step without a similar safeguard? He would, therefore, propose to add the following words at the bottom of page 41:—

"And every person authorized to enlist recruits in the regular forces shall take such steps as shall be necessary, and possible, to inform the parents or guardians of the person enlisted, of the proposed enlistment, where such recruit is under age."

COLONEL STANLEY said, he must deprecate a discussion of the general question of recruiting, which involved many other matters, and was a very difficult thing to deal with. He would ask the hon. Gentleman to consider how the Amendment could be carried out? How was the sergeant to ascertain who were the parents, if the recruit did not tell him, as he probably would not, who they were, and where they lived? Supposing even the sergeant did get the information, how was he to tell that the answer he received was a genuine one? What could be simpler than the present plan? The recruit was taken before a Justice, who asked him if he was of a specified age, and the recruit answered upon oath that he was. What could be simpler or more direct than that? They did not care to look too closely into the motives of men who were recruited. Many were anxious to go abroad, or to see service; while many did not always enlist under their real names. Further, could they possibly hope that such a provision as this would work? He believed it would only make confusion worse confounded, and would be of no practical effect. With regard to taking

men of greater age, this also raised an important principle. When the happy day came that the Chancellor of the Exchequer could add £4,000,000 or £5,000,000 to the Estimate, and the House of Commons would confirm the grant, they might, perhaps, talk about getting men of from 20 to 24 in the Army. It was merely a question of money; and until they had that increased grant, he did not see why they were to lay down a hard-and-fast line that men should be 21. Many men were just as likely to make good and efficient soldiers at 20 as others were at 22 or 23. He did not think it would be desirable to tie the Government to a hard-and-fast line; and he hoped the hon. Gentleman would see that the practical difficulties in the way of working his proposal were far too great.

MR. O'DONNELL remarked that, taking the conditions of the Service into account, they could not, of course, create in a day the citizen Army that they desired. It might be difficult—perhaps practically impossible—to carry out all the conditions imposed on the recruiter by the Amendment; but he thought it would be, therefore, no harm to put into the clause some further safeguard, making sure that when before the Justice the recruit was in full possession of his senses. He would suggest that they should introduce words making certain that the appearance before the Justice would not take place for at least 48 hours after the enlistment. If the right hon. and gallant Gentleman would introduce words to that effect, he would suggest to his hon. Friend the Member for Meath (Mr. Parnell) to accept that as a compromise. If that were done, a man could not, at the time of appearing before a magistrate, be either intoxicated, or be suffering from the effects of intoxication; and it would be a great deal to secure that there was that perfect freedom of choice which it was the object of the Secretary of State for War to provide. He did not think the right hon. and gallant Gentleman would refuse to undertake that the appearance before the Justice should take place 48 hours after enlistment.

COLONEL STANLEY thought that the hon. Member for Dungarvan (Mr. O'Donnell) could not have been in the House at the time he explained the alterations in the Act. The hon. Gen-

tleman did not want anybody brought before the magistrates in an unfit state, nor did he (Colonel Stanley) himself. The hon. Gentleman thought it better to wait 48 hours after the enlistment before the recruit was brought before the magistrate. That was simply the present system, and it was a bad one. He had introduced in this Bill, therefore, certain changes, because he wanted to get rid of the present system. Now, an enlistment sergeant put 1s. into a man's hand and said—"I enlist you to serve the Queen," at the same time giving him notice where he would have to meet him to go before the magistrate. The recruit had to hang about wherever he could until that time came. Under the old system, when a man was enlisted for a service which might be for 21 years, and latterly was 12, the law rightly interposed to prevent a man making that bargain hurriedly and without due notice, and enacted that he should not be brought before the magistrate to confirm his bargain within less than 24 hours after he made it; nor was he to be kept waiting about for longer than 96. In that time a man could get off his bargain by paying smart-money, as it was called. It was found, however—for there were bad recruiters as well as good ones—that men were sometimes enlisted merely for the sake of the smart-money. Bad recruiters hung about houses which, to say the least, were not of the best character, and took men who were more or less in a state of intoxication. He wanted to sweep all that away, and to make the contract of service a distinct contract. He wanted that a man should go at once before the magistrate, and there make his contract. He took it for granted—and, indeed, a magistrate would not be doing his duty if he did otherwise—that a magistrate would not enlist a man when suffering from the effects of drink. Under the new system the affirmation was made the first process. A sergeant might give a man, when he enlisted him, anything he liked; but he did it at his own risk: and if the man chose to disappear before the time of attestation came, nobody in the world would interfere with him; but when he had presented himself and made the bargain, then he had entered into a distinct contract, by the terms of which he would be bound. A man, at present, had the privilege of buying himself out

Colonel Stanley

by a payment varying from £21 downwards. But this was an indulgence, not a right, and depended upon a variety of circumstances—such as that the regiment was up to its full strength, that the exigencies of the Service permitted it, and so on; the result being that many men had to wait for the permission until long after their money was gone. He proposed to alter that also, and to enact, if at any time during three months a man did not like the Service, he might go, repaying the State what he had cost it, and he did not think that was an unfair bargain. They could not expect the State to keep a man, and to find him food and lodging for three months for nothing. But, on the other hand, they did give him, within three months after his enlistment, the absolute right to go, except in a time of national emergency, or when the Reserves had been called out. He thought both these were distinct improvements—the making the attestation before the magistrate, the contract of service, and the subsequent change as to buying out. He asked the Committee to look at these two clauses together, for he was not able to go into the matter fully to explain his position. The hon. Member for Dungarvan (Mr. O'Donnell) must see that, by his present proposition, however innocently, he had struck at the very root of what he wanted to avoid.

MR. BIGGAR pointed out that the speech of the right hon. and gallant Gentleman wandered a good deal from the Amendment, which proposed that if a minor wished to enter as a soldier his relatives, guardians, or parents, should have notice that he proposed to do so. He thought it was a very reasonable proposition. It did not give a right of veto; but merely would afford the parents an opportunity to confer with the recruit, and to use all the arguments they pleased in order to persuade him not to join. With reference to the last remarks of the right hon. and gallant Gentleman, he greatly doubted if it would not be very much better to pay their soldiers more, and so to get a higher class of men. They were told that a boy of 18, before he was fit for service, cost something like £120, and that in the case of a horse soldier he cost twice as much. Would it not be better to give the men a little better pay, and so get better men, who would go into the Reserve more quickly? He did

not profess, of course, to be well up in military topics; but he thought this would be the better plan, as by it they would have but a comparatively small number of men on active service, yet men who would be ready to go anywhere. But he believed that the present state of things was very dear. As to the Amendment, he certainly considered that it was unreasonable to ask a boy thoroughly unfit to understand the question, and probably on the spree, or something of that sort, whether he was of the right age, and so to induce him to enter a Service which involved his personal liberty for the best part of his life.

MR. PARNELL thought his Amendment might be made workable; but he admitted that it was not so in its present shape, and thought it would be better for him to re-consider the whole question, and to draft a new clause on the subject. He would place that on the Paper, and the Government would have time to consider it between that time and the time when they reached the new clauses. It certainly was of the greatest importance that they should have some means of preventing children running away from home and depriving their parents of any knowledge of their whereabouts. He, therefore, proposed to withdraw his Amendment. He would first ask the Secretary of State for War whether, instead of the old system of an interval not less than 24 hours, and not exceeding 96, he did not now intend to have any interval at all between the time of enlistment and the time of his appearing before the magistrate?

COLONEL STANLEY, in reply, said, that the time when the man went before the magistrate was the time from which he proposed to make the whole contract commence. The advantage of that was, it took the man out of the disreputable surroundings in which he had formerly to wait, and enlisted him at once.

MR. WHITWELL thought the Amendment was a step in the right direction. Under the old law, the instant a man received the shilling he was bound to pay smart-money to get off his bargain; but now, if he was enlisted in the evening, he was open during the whole of the night to the entreaties of his friends and relatives to withdraw from his conditional assent, and he could do so if he chose. Then, if he did not, he went freely before the magistrate. He thought

the Amendment was a very important and satisfactory one, and a very great improvement on the previous system.

MR. PARNELL thought that a middle course must be steered by the Committee, so that a magistrate might have power to give time to the man to make up his mind. The proposed system allowed no time for consideration.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN said, that precautions should be taken that a man should not be in a state of intoxication at the time he was enlisted before the magistrate; it was, therefore, in his opinion, advisable to put words into the Bill, directing the magistrate not to enlist men in that condition. It was notorious that soldiers had been enlisted and attested when drunk; but, at the present time, they were never attested while in that state. He, therefore, moved to insert in line 5, page 42, after the word "enlisted," the words "or if, in the opinion of the justice, he is under the influence of intoxicating liquor."

COLONEL STANLEY observed, that before the Chairman put the Question he should like to point out that he had already expressly stated that the magistrate would be liable to censure if it were proved that he had enlisted a man while he was intoxicated. He would, however, consult the right hon. Gentleman the Home Secretary as to whether the proposed Amendment would cast any slur upon the magistrates.

MAJOR NOLAN said, a great many Justices enlisted men who were but slightly intoxicated. There was, of course, no objection to the recruiting sergeant giving a man a few glasses. He considered that the words proposed would be an improvement in the Act.

COLONEL STANLEY thought the words were quite unnecessary. He had already put in the words "and shall take care that such person understands the question so read," which did not appear in the Mutiny Act.

MR. O'CONNOR POWER said, the right hon. and gallant Gentleman should ask himself whether the theory which he had put forward at an earlier part of the discussion, with reference to the enlistment of recruits, was carried out in practice? He (Mr. O'Connor Power), had been informed by an hon. Friend who had both had occasion to pass recruits for the

Army and to enlist men in his capacity of Justice of the Peace, that recruits, which he had rejected, had been passed subsequently by another Justice of the Peace, who appeared to take a very free and easy view of the responsibility resting upon him in that capacity. A great many desertions from the Army arose from the fact that numbers of the recruits, having joined it hastily, only looked for the best opportunity to run away. He (Mr. O'Connor Power) would say that if anything could be done to enable the recruit to realize the conditions of the contract he was called upon to enter into, the public would stand upon safer ground than in allowing him to be under any misapprehension with regard to them. Perhaps the most effectual Amendment to the clause would be to require that two Justices should assent to the attestation. There would be a considerable advantage in this plan, for if one of the Justices was unable to see whether the recruit was in a state of drunkenness, it was at least to be hoped that the other would be in a position to form a clearer judgment. He pointed out with reference to the observations of the hon. Member for Kendal (Mr. Whitwell) that the recruiting sergeant knew exactly when he could catch his man. The sergeant would go down to the place where the man happened to be, and if he found him favourable, he would exactly measure the time necessary to get to the next Justice of the Peace; so that, if it were possible, he would get the whole matter over in five minutes, because he received a certain advantage for every recruit he enlisted.

MR. PARNELL pointed out that although the first part of the clause gave the recruit plenty of time to consider his position, it would most likely happen that the recruiting sergeant would hurry him off to the magistrate, and enlist him, so to speak, before he knew where he was. The present Bill showed an advantage over the old clauses, yet to the vast majority of recruits it did no service at all, for the recruiting sergeant had still a great facility for carrying them off and having them enlisted on the spot. The Amendment of the hon. and gallant Member for Galway (Major Nolan) asked that the magistrate should not be allowed to enlist a man under the influence of liquor. That was a very fair proposal, indeed; but the hon. and

gallant Baronet the Member for Sunderland (Sir Henry Havelock) thought the evil was guarded against in the clause. The clause, however, only guarded against it, by saying that—

"The justice of the peace shall be satisfied that the recruit understands each question so read."

And it was very well known that a recruit might be under the influence of liquor, and yet understand the questions read to him. But a man should be in his right mind; he should be himself when he took such a serious step as to engage himself to serve under the Colours and in the Reserve for a period of 12 years. The words proposed to be introduced could not, as had been suggested, cast any slur upon the Justices. He (Mr. Parnell) did not agree with the view expressed by the right hon. and gallant Gentleman the Secretary of State for War, that it was sufficient that the recruit should understand the questions read to him. Hon. Members who approved this Amendment held that a man should be himself, and that he should be free from all extraneous influence whatever, whether of liquor or anything else, at the time of taking such a serious step as enlistment. He suggested that the right hon. and gallant Gentleman should agree to the Amendment of the hon. and gallant Member for Galway, and that if, after consultation, he found that it was objectionable, he should strike it out on Report. This was a much better plan than that of postponing the Amendment which, in all probability, would be lost sight of when the Report came on. The right hon. and gallant Gentleman had urged no argument against the Amendment; he said only that, while agreeing with the spirit of it, he should be obliged to consult the Secretary of State for the Home Department as to whether it would cast any slur upon the magistrates. He (Mr. Parnell) felt quite sure that the magistrates would not look upon the matter in that light, and he trusted, therefore, that the Amendment would be agreed to.

MR. BIGGAR could not imagine a more reasonable Amendment than that proposed by the hon. and gallant Member for Galway (Major Nolan). It was very unreasonable to imagine that a boy could be in a proper state to enter into a contract, when his imagination was excited with

Mr. O'Connor Power

liquor; on the contrary, he maintained that the recruit should have every opportunity to consider, in his sober moments, the serious step he was about to take. If this opportunity were given him, he would, if he entered into the contract, after proper consideration, remain; but if he was enlisted in a state of intoxication, and found out afterwards that he had made a bad bargain, he would most probably desert, and the whole expense incurred by the Government on his account would be lost to the country. With regard to the contention that the proposal would cast a slur upon the magistrates, he could not conceive that anything of the sort would be felt. Of course, no magistrate would like a recruit to make a declaration when he was tipsy; but, still, it might be thought by some that there was no harm in his doing so, when he was more or less excited by liquor. For these reasons, he certainly thought it would be desirable to put into the Act of Parliament some words requiring that the recruit should be sober.

MR. PARNELL, referring to the reply of the Secretary of State for War, that "he wished to consult with the Secretary of State for the Home Department as to whether this Amendment would be considered to be a slur on the magistrates," desired to ask that right hon. Gentleman, who was now in his place, for his opinion upon that point? He put the question to the right hon. Gentleman, with the object of saving a Division; and, in doing so, pointed out that if he was of opinion that the Amendment would be a slur upon the magistrates, the ground would be cut from under the feet of the hon. and gallant Member for Galway (Major Nolan) and his supporters; while, on the other hand, if he expressed his opinion to the contrary, the ground would be cut from under the feet of the Secretary of State for War. He was very willing that the Secretary of State for the Home Department should be arbiter. The hon. and gallant Member for Galway and himself were both magistrates, and neither of them thought that the Amendment would be any slur upon their characters; therefore, they confidently left the point to the decision of the right hon. Gentleman.

MR. ASSHETON CROSS said, that after looking at the wording of the

clause he was bound to state that, in his opinion, no magistrate having right before his eyes could possibly allow an intoxicated man to make a declaration.

MAJOR NOLAN said, it then became a question whether there should be a slur upon the soldiers, or upon the magistrates. It was an old taunt to say that the Army enlisted soldiers when they were drunk; but his Amendment would make it impossible to make use of this taunt in future. It was, no doubt, the fact that men used to be enlisted, although not attested, when they were intoxicated.

MR. O'DONNELL said, there were great variations in the magisterial ranks. He did not mean to say anything derogatory to the magistrates in general; but, speaking from his own knowledge of a few individuals, he was quite sure that, taking the whole body of the magistracy, it would be found to include several pleasant, jovial old gentlemen who would think it very little harm to overlook a slight amount of tipsiness on the part of the recruit at a time when a Tory Government was in want of soldiers. It was all very well to talk about casting slurs upon the magistrates; but he was perfectly sure that under the present arrangements there was a rather larger proportion of bad and indifferent men amongst them than there would be under a different system of selection. There could be no slur whatever cast upon a body of public servants, by merely taking the precaution to prevent their erring in the discharge of their duties.

Amendment negatived.

Clause, as amended, agreed to.

Clause 78 (Power of recruit to purchase discharge).

MR. O'DONNELL said, that this clause introduced a very good improvement into the present system. It was provided by the clause that within three months after joining any recruit could obtain his discharge by paying to the use of Her Majesty the sum of £10. In the course of his remarks some time back, the right hon. and gallant Gentleman the Secretary of State for War referred to this subject; and if the clause only corresponded with the description he gave of it, it would be quite unexcep-

tionable. The right hon. and gallant Gentleman said that the Government had determined to go upon the principle of giving a recruit three months' time to make up his mind, and if he decided in that time to leave the Army, he should be allowed to do so, only being charged what his maintenance in the Army had cost the country. Government had fixed that sum at £10, and it was to be presumed that that was the cost of his maintenance and clothing for three months. The right hon. and gallant Gentleman the Secretary of State for War must at once perceive that if a recruit changed his mind a fortnight after joining, it would not be fair to charge him £10, for he would not then have cost the country that sum. In point of fact, a man who had been only a fortnight in the Service would have cost much less, and he ought to be allowed to go, when he had paid what he had really cost the country. He trusted that the right hon. and gallant Gentleman would give some undertaking to make some alteration in this matter upon Report.

THE CHAIRMAN asked if the hon. Member would move an Amendment?

MR. O'DONNELL begged to move, as an Amendment, in page 43, line 2, to leave out the words "ten pounds," in order to insert "two pounds."

COLONEL STANLEY said, that the Amendment would not do, because the country would be put to a very considerable amount of expense if a certain number of young men were allowed to join, and then to leave in this way; for the result would be that they obtained food and clothing at an almost nominal price. There were very great expenses which a recruit caused—roughly speaking, it might be said that it was £10 for three months; but it certainly was not £3 6s. 8d. for each month. There were a great many expenses, such as cost of clothing and necessaries, and so forth, which the recruit required as much for one day's service as for three months. His object in putting down this sum of £10 was simply to prevent the country losing the money, and he had endeavoured to adjust the scale, so as not to make the recruit pay more than what was fair. He would confess that he was very much in the hands of the Committee; but unless the country was to lose money he thought that the balance was

very well struck at £10. He thought that the better plan would be to allow the clause to remain in its present state.

SIR HENRY HAVELOCK said, that this was one of those clauses which was calculated to establish the principle which he had always endeavoured to inculcate for many years past—that service in the Army should be made a perfectly free contract, both on the part of the man who engaged himself and of the country who retained his services. The proposition which the hon. Member for Dungarvan (Mr. O'Donnell) had made was absurd, for it only amounted to allowing men to obtain food and necessaries from the country almost free of expense.

MR. O'DONNELL rose to save the virtuous indignation of the hon. and gallant Member for Sunderland (Sir Henry Havelock), and to state that he had misunderstood his meaning.

THE CHAIRMAN said, that the hon. Member was out of Order.

SIR HENRY HAVELOCK remarked, that what the hon. Member wished to establish in the Army was a system of unlimited out-door relief for loafers. That would be the effect of any such proposal as this; and he considered that the proposition of the Government was very much more practicable, while it yet would establish the principle that enlistment was a perfectly free contract. He had been endeavouring for many years to obtain the institution of some provision of this kind, by which a soldier who did not like the Service might go away. The clause now proposed was in the right direction, and he was thoroughly in its favour. He did not think that the proposition of the hon. Member for Dungarvan ought to be accepted by the Committee.

MR. PARNELL considered the proposition of the right hon. and gallant Gentleman the Secretary of State for War a very fair one; and he thought that if he would insert the words "not exceeding" £10 in the clause it might very fairly be left as it stood.

MR. O'DONNELL observed, that he merely proposed the insertion of £2 in the clause for the purpose of raising the question. He begged permission to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Mr. O'Donnell

COLONEL STANLEY then moved to insert the words "not exceeding" before the words "ten pounds."

Amendment agreed to; words inserted accordingly.

Mr. PARNELL thought that the wording of the clause was somewhat faulty. If the right hon. and gallant Gentleman looked into it, he (Mr. Parnell) thought he would see that it would enable the authorities to keep a man 12 months after he had paid his money for his discharge. He was sure that that was not the intention of the Government; and he should therefore move to insert in page 42, line 8, the words "after payment of a certain sum not exceeding ten pounds."

COLONEL STANLEY did not see that the clause was open to the objection which the hon. Member took. If the clause were altered, as proposed, it would have a detrimental effect, for this reason. Whilst he was in command of a battalion the relatives of soldiers frequently deposited their money in his hands to await the discharge of the soldier. There could be no objection to that practice; but the insertion of the Amendment of the hon. Member would make it impossible.

Mr. HOPWOOD thought that the right hon. and gallant Gentleman the Secretary of State for War was under a misapprehension as to the meaning of the Amendment. The Amendment provided that payment should be made at the moment that a soldier required his discharge, and it would not interfere with the relatives placing money in the hands of the commanding officer to await his discharge. The object of the Amendment was this—to prevent a man who had paid his money being detained for some time afterwards, unless, as provided by the clause, he claimed his discharge at a time when Her Majesty required his services. He could not think that it was the intention of the Government to keep a man after he had paid the money. [Colonel STANLEY: No, no.] That being the case, it was very necessary that the clause should properly carry out the intentions of the Government; and he thought that it ought to be made clear that the legal obligation to pay the money was only to arise at the moment of discharge.

COLONEL STANLEY inquired, whether he rightly understood the object of the Amendment not to be to prevent the colonel of a regiment having the money deposited in his hands available for the discharge?

Mr. HOPWOOD did not think that the Amendment would interfere with such a case as that; the words would simply provide that until the moment of discharge there was no legal obligation to pay the money to the authorities.

Clause amended, by inserting after the words "ten pounds," "then on payment of the said sum he shall be discharged."

COLONEL DRUMMOND-MORAY moved that the clause be left out of the Bill. The right hon. and gallant Gentleman the Secretary of State for War had said that he did not want the country to be put to any cost by the discharge of a recruit at the end of three months; but, in his (Colonel Drummond-Moray's) opinion, it would be found that a recruit who had been three months in the Service would cost the country more like £15 than £10. Besides the cost of his clothing and necessaries, there was the instruction which was given to the recruit, and the trouble that he occasioned from time to time. Beyond all that, there was another point which should not be lost sight of. The first three months of a soldier's life were, in all probability, the most unpleasant he had. Perhaps he had seen the regiment together, and had been attracted by the uniform, or the band, and had thought that he should like to enlist. No doubt, the recruiting sergeant had confirmed him in his views of the pleasant life which he would lead. But after he had enlisted, he would, probably, be sent off with a number of others to the brigade dépôt of his regiment, where he would find nothing but young soldiers like himself, with a few old ones to look after them; his whole time would be spent hard at work under the drill corporal, and he would soon get home-sick, and send to his friends to find £10 to buy him out. If they had the money, they would be sure to do so; and he would then buy his discharge, and go back to his native place, and abuse the Service up hill and down dale to all the young men of his acquaintance, telling them that soldiering was abominable, and that the life of a soldier was of the hardest possible description; although,

in reality, he knew nothing whatever about it. He (Colonel Drummond-Moray) really thought that if the clause were passed as it stood, many a young fellow who, if he had stayed in the Service would have been a credit to his regiment, would get disgusted with it before he had given it a fair trial, and would leave at the end of the three months.

Mr. WHITWELL remarked that the clause had been introduced by the Government in order to popularize the Army, and to prevent unwilling men being retained in the ranks. He was, therefore, strongly in its favour; and should advocate it on the very ground upon which the hon. and gallant Gentleman (Colonel Drummond-Moray) moved its rejection.

MAJOR NOLAN said, that the hon. and gallant Member who had moved the rejection of the clause (Colonel Drummond-Moray) forgot that if a man went back to his native place, and gave a bad account of soldiering, his own case would, at all events, show how easy it was to get out of it.

GENERAL SHUTE was in favour of the rejection of the clause altogether; and more particularly from the influence which it would have upon the Cavalry and the Household troops. Every Cavalry recruit cost the country between £20 and £30 during the first three months of his service; and if the remarks of the hon. and gallant Member (Colonel Drummond-Moray) were true as to the hard work of an Infantry soldier at the beginning of his service, they applied in a much stronger manner to a Cavalry recruit, who was worked much more severely at the commencement of his service. There was much more likelihood that a Cavalry recruit would get somewhat disgusted with the service, and weary of his duties. Moreover, the expense of the outfit of a Cavalry soldier was great; and especially was that the case in the Household Cavalry. But he had a few words to say upon this point in a military sense. It had been a matter of observation that the Cavalry suffered more than the Infantry from men leaving in a short time after joining. He had recently had a conversation with a General lately in command of the Cavalry at Aldershot, and with others well acquainted with the subject. They fully confirmed his experience that whenever any young fellow quarrelled

with his friends, and wished to enlist, nine times out of ten he went to the Cavalry, knowing perfectly well that his relations would in the end buy his discharge; in fact, having no intention, from the first, to serve for any length of time. Therefore, if the clause were adopted, the Cavalry would be a greater sufferer than ever. And in the Cavalry an immense amount of trouble was bestowed on the recruit; first, they had to be taught all the foot drill of an Infantry soldier, then the riding drill, the use of three arms; and after all this trouble had been spent on a man he was to be entitled to his discharge when he was just beginning to understand his duties. He would like to move for a Return of the number of men who had paid for their discharge from the Cavalry. Even at the present time, it was a most serious inconvenience; and so much so, that he had intended to press an Amendment of the clause, in order to provide that when a man had served nine months without returning his name for discharge he should not be entitled to it for two years, excepting at double the present rate; so that the Government should get some compensation for the cost and trouble of his instruction. Financially speaking, the clause would be unfair to the taxpayer; and, with regard to the Cavalry in particular, it would do very serious mischief, and tend further to reduce the age and efficiency of our regiments, besides discouraging enlistment, as the men obtaining discharge within three months would have experienced only the drudgery of recruits' drill.

SIR HENRY HAVELOCK said, that, no doubt, there was great weight in the objections of the hon. and gallant Members for Perthshire (Colonel Drummond-Moray) and Brighton (General Shute). What the Government desired to do was to make the presumption of advantage in enlistment in favour of the soldier. They wished that service in the Army should be voluntary; and that the inducement to enlist, and the advantage from so doing, should be in favour of the recruit. He believed that the advantage was now in favour of the recruit; but it was desired to make it more apparent that it was so. The more apparent they made it that the advantage of joining the Service was in favour of the recruit, the more popular would the

Colonel Drummond-Moray

Service become. Under the provisions of the clause, the financial balances would be rather in favour of, than against, the recruit. He would be allowed to go away at the end of three months on payment of £10, though, if he pleased, he might have saved £3 in hard cash, besides having had his keep free. The country, perhaps, would be the loser by the transaction; but what it lost was nothing as compared to the gain in the establishment of the principle enforced by the hon. Member for Hackney (Mr. J. Holms). They did not want unwilling men in the Service. Let them establish that principle, and they would be in the position which existed in the Indian Service, where, instead of having to seek for men, there were numbers of applicants waiting to enter the Service. He maintained that the clause was a step in the right direction; and that they were, in reality, declaring that they did not want unwilling men. By doing that, they would soon put the balance in favour of the country; and, although there might be some slight financial loss at first, the country would be the eventual gainer.

MAJOR O'BEIRNE remarked that it was surely preferable to allow a man to buy himself out of the Service than to make him desert. The question of desertion was a very serious one, for 6,000 or 7,000 men deserted yearly, and the object of this clause was to check that desertion.

Clause, as amended, *agreed to.*

Appointment to Corps and Transfers.

Clause 79 (Enlistment for general service and appointment to corps).

MAJOR O'BEIRNE said, that since the introduction of the brigade-depôt system, soldiers who had enlisted into a regiment were enlisted for service in either battalion, which might either be for home or for foreign service. Some men enlisted for the purpose of remaining at home for the time of their service, and then getting transferred to the Reserve. But it was the custom very frequently, after six months' service, to send these men to the brigade depôt, where they would get drafted off to India or the Colonies contrary to their intention when they entered the Service. He thought there was something to complain of in this arrangement; and he would, there-

fore, move as an Amendment, in page 43, line 12, after "regular forces," to insert—

"And shall not be transferred without his consent from the depôt of a regiment on service in the United Kingdom to the depôt of a regiment on foreign service."

COLONEL STANLEY hoped that the hon. and gallant Member for Leitrim (Major O'Beirne) would not press his Amendment. If he looked closer into the matter, he would find that all men who had enlisted since the 1st of April, 1873, were enlisted not for a particular regiment, but for a brigade, and were interchangeable amongst the battalions composing that brigade. Men were passed from one battalion to another, and were absolutely transferable, according to the terms of their engagement. Men who had enlisted before the date he had mentioned, although in a regiment which might form a constituent part of the brigade, were, by the terms of their enlistment, only liable to be transferred to another battalion by their own consent. He fully agreed with the hon. and gallant Gentleman that it was not desirable to transfer men unless they wished it; but the interests of the Service were such that they were sometimes obliged to do it. The system of brigade depôts was deliberately adopted by Parliament, and it was a portion of that system that all men enlisting were liable to be transferred to any of the regiments forming part of the brigade depôt.

MAJOR O'BEIRNE thought that when a man enlisted he ought to be informed that part of the regiment which he was entering was at home, and part was abroad; and that, consequently, he might be sent to serve either at home or abroad. Many men enlisted for the sole purpose of serving in England for the six years of their service; but they might find themselves transferred to the depôt of the regiment, and sent to India, which was entirely contrary to their intention. Where a man intended only to enlist for England, it was a fraud upon him to put him under a liability to be transferred to a portion of his regiment abroad, unless he was informed of that liability at the time of entering the Service. He considered that this liability to transfer ought to be clearly stated in the attestation paper.

COLONEL STANLEY agreed in principle with the observations of the hon.

and gallant Member (Major O'Beirne); but the system which they now adopted was not to enlist men for any one battalion, but to enlist generally for the brigade, with a liability of being transferred to any regiment forming a part of it.

MR. PARNELL wished to know, whether a recruit was informed that he was enlisted for general service, or allowed to believe that his enlistment was for the particular service of a battalion—was a recruit told, when he enlisted, that he would be enlisted for one particular battalion, or was he informed that his enlistment was really for general service? There was a very important point involved in this matter, and he should particularly wish to have some information as to whether a man was distinctly enlisted for general purposes?

COLONEL STANLEY, in reply, said, that no man was enlisted for general service. Every man was enlisted for a brigade, consisting of two battalions. When they were linked regiments, the battalions formed but one brigade. All the officers and all the men who were attached to the brigade had been, since the 1st of April, 1873, interchangeable among the various battalions or regiments composing it. A man was now enlisted for a brigade, and it was clearly explained to him that he was liable to be transferred from one battalion to another. It was impossible to state in an attestation paper that one battalion was at home and another was abroad, because the stations of battalions were being continually changed.

MAJOR NOLAN wished to point out that a man might be enlisted for general service; and in sub-section 5 of the next clause it was provided that where a man who had been enlisted to serve part of the term of his original enlistment in the Reserve was on service beyond the seas and at the time of his corps, or the part thereof in which he was serving, being ordered to another station, or to return home, had more than two years of his Army service in the terms of his original enlistment unexpired, then he might be transferred to any corps of the same branch which was on service beyond the seas. Thus a man who had been enlisted for one regiment might be transferred to any other regiment in the Service. It was not fair that there should be such a sweeping provision as that. There-

fore, if a recruit were to ask whether he would have any chance of serving his whole time in one particular regiment, no other answer could be given him than that the chance was two to one against him.

MR. PARNELL said, that there was really a very important point involved in this matter. He wished to know what was the difference between being enlisted for service in a particular corps and being enlisted in a particular corps?

COLONEL STANLEY said, that a man could only be transferred to another brigade when he had enlisted for service generally. His impression was that no man could be enlisted for general service, unless the brigade to which he applied for enlistment was full. What was practically done was this—they told the man that he might enlist; but that if he did enlist, it would be for general service in any corps to which he might be sent.

MR. PARNELL supposed that that was made quite clear to the recruit in the attestation paper. Of course, the arrangement was perfectly right, if it were made clear to the recruit that one battalion was at home and another was abroad, and that he was liable to serve in either.

COLONEL STANLEY said, that a man was liable for service abroad at any time; but it was impossible to state in the attestation paper whether a battalion of the brigade was at home or abroad.

MR. PARNELL asked, whether it could not be made clear to the recruit, by the attestation paper, that he was liable for service in either battalion of the brigade? Could they not tell him in the attestation paper where the battalions were?

COLONEL STANLEY said, that they could not tell the recruit where the battalions were; it was quite impossible.

MR. PARNELL asked, if the right hon. and gallant Gentleman would have any objection to say how, if it was not stated in the attestation paper where the battalions were, it was made perfectly clear to the recruit that he was liable to serve in either battalion either abroad or at home?

MR. O'CONNOR POWER thought that the object the hon. Member for Meath (Mr. Parnell) had in view was a very proper one. A raw recruit had a paper put into his hands, and it ought

Colonel Stanley

to show him exactly what his liabilities were.

SIR GEORGE CAMPBELL said, that our Army must be composed of two classes of men; those enlisted for a short, and those enlisted for a long period—it being necessary to have long service men to serve in India and abroad. No doubt, some soldiers wished only to enlist for short service in this country, in order that they might go into the Reserve; while others were willing to serve in any part of the globe. It seemed to him to be extremely desirable to encourage soldiers who were willing to adopt the long service, so that it was made perfectly clear to the soldier when he enlisted what he was doing. He hoped that the Government would take care that it was made clear to the recruit whether he was enlisting for a long period of general service, so that he was liable to be sent abroad or to serve in any corps, or whether his liability was for a short period of service, so that, practically, he could not be sent abroad.

MAJOR O'BEIRNE said, that it was simply a fraud upon the recruit to entrap him into enlisting in a regiment which was serving at home, and then to transfer him to a regiment either serving, or about to be sent, abroad.

SIR ALEXANDER GORDON said, that before the Amendment was put from the Chair, he must protest against Amendments being placed upon the Paper by hon. Members who did not know the A B C of the military Profession. The Amendment referred to two depôts of a regiment; whereas, in fact, there was only one. To place such an Amendment upon the Paper was only misleading the Committee and wasting time; and it showed great ignorance of the Service.

MAJOR NOLAN said, that although there might be a verbal error in the Amendment, yet the fact still remained that this system of transferring men from one regiment to another was being acted upon daily.

COLONEL STANLEY said, that there was no power to transfer a soldier from one regiment to another, when he had enlisted for a particular regiment. The matter would, however, receive consideration.

MR. RYLANDS said, that it struck him as being a matter of extreme importance that the recruit should be made

acquainted with all the conditions of his service on enlisting. He understood the right hon. and gallant Gentleman the Secretary of State for War to say that the matter would receive his consideration.

MR. PARNELL said, that what was asked was that the Regulations of the Army should be so framed that every recruit should know where the regiment was serving for which he was enlisting. If he did not enlist for a particular regiment, but a brigade, the recruit should be able to ascertain where the battalions forming that brigade were serving. He hoped that the Secretary of State for War would take care that that knowledge should be communicated to the recruits.

COLONEL STANLEY said, he was quite willing to give that undertaking; but, at the same time, he wished to point out that it was quite possible to go too far in the direction of giving information to the recruit, and, from an excess of caution, actually to mislead him.

MR. O'DONNELL said, that there could be no danger of misleading the recruit when he enlisted for a particular battalion.

MR. BIGGAR said, that it was this practice of transferring men from one regiment to another which induced them to desert. It appeared to him that, under the present system, a fraud was perpetrated upon the recruit, and the result was that when he wished to join a particular regiment, he deserted from the one he had been transferred to and re-enlisted in the one he desired to serve in. Thus, when a man found himself transferred to a regiment ordered abroad, he deserted and re-enlisted in a home-serving battalion. He did not think that the practice of recruits enlisting for general service should be kept up. It would be very much better for the soldiers to join particular regiments and to remain in them, unless they themselves volunteered for foreign service. As far as possible, the soldiers ought to know their own officers, and the officers their men.

Amendment negatived.

Clause agreed to.

Clause 80 (Effect of appointment to a corps and provision for transfers).

SIR ALEXANDER GORDON said, he would move to amend the clause, by

adding, after the word "seas," in page 44, line 15, the following words :—

"Provided, That the power of transfer given by sub-sections four and five of Clause eighty of this Act shall not apply to any man who enlists for the whole of the period of twelve years in Army service, or to any man who, having enlisted for a portion of the said period in Army service, has extended his Army service for the residue unexpired of his term of twelve years, or to any man who has re-engaged."

COLONEL STANLEY said, he had no objection to the Amendment of the hon. and gallant Baronet.

MR. PARNELL said, that he had a previous Amendment on this clause which was not upon the Paper.

THE CHAIRMAN said, he must point out to the hon. Member for Meath (Mr. Parnell) that when an Amendment which appeared upon the Paper had been put from the Chair, it was not respectful to the Committee for an hon. Member to get up in his place, and say that he had a previous Amendment which was not written nor upon the Paper, and yet to propose no such Amendment.

MR. PARNELL said, he had no wish to delay the progress of this measure; but he desired to point out to the Chairman and to the Committee how the matter stood. The hon. and gallant Baronet (Sir Alexander Gordon) had risen to propose an Amendment which appeared upon the Paper, whereupon he (Mr. Parnell) had risen to propose a previous Amendment which was not on the Paper, on which the hon. and gallant Baronet had given way to him, and he was in possession of the Committee. Just at that moment, the hon. and gallant Member for Galway (Major Nolan) exclaimed that he had an Amendment before his (Mr. Parnell's), whereupon he had sat down, giving way to the hon. and gallant Member for Galway, as the hon. and gallant Baronet (Sir Alexander Gordon) had just given way to him. The hon. and gallant Gentleman (Major Nolan) had then discovered that he was in error, and that his Amendment, instead of preceding his (Mr. Parnell's), was subsequent to it. He was then about to move his Amendment when the Chairman had interrupted him, and had remarked that it was not respectful to the Committee for him to ask permission to move an Amendment which was not upon the Paper, before an Amendment which was upon the Paper. If hon.

Members were not to be permitted to move Amendments which were not upon the Paper, the Rules of the House should state so distinctly. He had always understood that hon. Members were permitted to move such Amendments. He could not help feeling that he had been very unfairly treated in this matter, because there were portions of his Amendment which he believed would have been agreed to by the right hon. and gallant Gentleman the Secretary of State for War. Now, however, he was altogether shut out from moving his Amendment, in consequence of that of the hon. and gallant Baronet having been put from the Chair. The effect of the course that had been adopted was to deprive him of the right of moving the Amendment he had actually been in the act of moving when he had given way to the hon. and gallant Member for Galway (Major Nolan). He trusted that the hon. and gallant Baronet (Sir Alexander Gordon) would withdraw his Amendment, so as to enable him (Mr. Parnell) to move his Amendment, which was a most important one.

THE CHAIRMAN said, that he wished to point out to the Committee that the hon. Member for Meath (Mr. Parnell) had not stated accurately what had occurred. The Amendment of the hon. and gallant General the Member for East Aberdeenshire (Sir Alexander Gordon) standing next upon the Paper, he had called upon him to move it, which he had proceeded to do; and the hon. and gallant General was interrupted in the midst of his observations by the hon. Member for Meath, who said he had a previous Amendment to propose which was not upon the Paper, upon which the hon. and gallant General gave way. As far as he (the Chairman) could gather, the hon. Member for Meath appeared to have no Amendment to propose. The hon. Member did not sit down, it was true; but he appeared to be engaged in conversation with his hon. Friends behind him, with reference, as he (the Chairman) supposed, to the nature of the Amendment he had declared himself about to propose. It appeared to him that such a course was not respectful to the Committee, and he had made a statement to that effect. The hon. Member for Meath was not precluded from moving his Amendment, that of the hon. and gallant General the

Sir Alexander Gordon

Member for East Aberdeenshire not having been put to the Committee.

MAJOR NOLAN said, that he rose on a point of Order. The difficulty had resulted from a very natural mistake on his own part. Having an Amendment to the clause, in line 15, when he heard the hon. Member for Meath (Mr. Parnell) say that he had an Amendment in line 21, he naturally concluded that his Amendment preceded that of the hon. Member; whereas, in point of fact, owing to the clause extending into the next page, there were two lines 15 in it, and his (Major Nolan's) Amendment related to a line on the page subsequent to that to which the Amendment of the hon. Member for Meath referred. He hoped that, in these circumstances, the hon. Member for Meath would not be precluded from moving his Amendment in consequence of a misapprehension on his (Major Nolan's) part.

COLONEL STANLEY said, that he did not know whether he was exactly in Order in rising; but he wished to ask whether, as there appeared to have been some slight mistake, owing to the confusion in the numbering of the lines of the clause, it would not be better for the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) to withdraw his Amendment, in order to give the hon. Member for Meath (Mr. Parnell) an opportunity of moving his previous Amendment?

THE CHAIRMAN said, that he wished to point out to the right hon. and gallant Gentleman who had last spoken that the Amendment of the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) was not disposed of; and that, therefore, it was open to the hon. Member for Meath to move his Amendment on the clause, if he desired to do so.

SIR ALEXANDER GORDON said, that he also wished to rise on a point of Order. The right hon. and gallant Gentleman the Secretary of State for War had agreed to his Amendment, and, therefore, no discussion had taken place with reference to it. The Committee had good reason to complain that after the length of time this Bill had been before the House hon. Members should have neglected to place the Amendments on it which they intended to propose

upon the Paper. He begged leave, in the circumstances, to withdraw his Amendment.

MR. PARNELL said, that he begged to move to amend the clause by leaving out sub-section 2, in line 29, in page 43. The sub-section in question was to this effect—

"A soldier of the regular forces may at any time with his own consent be transferred, by order of the competent military authority, to any corps of the regular forces."

The principle involved in this Amendment was very important, as, doubtless, the right hon. and gallant Gentleman the Secretary of State for War would be prepared to admit; and, therefore, the question it raised ought not to be too hastily disposed of. Unfortunately, he had been absent when the clauses were passed which extended the powers of the Government to increase their Forces by enabling the soldiers from the Army Reserve to volunteer for active service. In his opinion, Parliament should look with a great deal of jealousy upon any attempt on the part of the Crown to get facilities for engaging in foreign wars in different parts of the world, without having previously obtained its sanction. It was for that reason that he now begged to move the omission of this sub-section, which gave the Government power to transfer the soldiers from one corps to another, a power which had been very largely used by the War Office during the war with Zululand. He not only objected to the power which the Government had of entering into foreign wars without the consent of Parliament being extended, but he should like to see that which they already possessed abridged. If it had not been for this power of transfer, the Government would have hesitated before they rushed into war with the Zulus, because they would have been unable to have supplemented their Army, or to have called for picked volunteers from every Home regiment. The short-service system was most valuable, as enabling them to obtain an Army for Home defence; but it was still more valuable, inasmuch as it prevented this country from engaging in little wars all over the world. But, by means of this power of transfer, the Government were enabled to convert the short service system into an instrument for obtaining men for foreign wars.

When the Army Reserve was called out last year, everyone was pleased to see the way in which the men composing it answered to the call upon them; but if, instead of confining such calling out to times of great national emergency, the principle was extended, the Government would be able at any time to avail themselves of the services of a large body of picked soldiers from all the battalions, who might be induced to volunteer for foreign service by the offer of any extra inducement, such as an additional bounty. In view, therefore, of the recent proceedings of the Government abroad, he begged to move the omission of sub-section 2.

COLONEL STANLEY said, he thought that even if the Amendment of the hon. Member for Meath (Mr. Parnell) were agreed to by the Committee, it would not by any means accomplish the object he had in view. It would, however, be inconvenient were it to be rendered impossible to transfer a soldier from one corps to another, even with his consent. Thus, in the event of a soldier having a brother in another regiment, it would be hard to debar him from being transferred to such regiment at his own request. The hon. Member would observe that the transfer was only to be made with the consent of the soldier, and by order of the competent military authorities.

MR. PARNELL said, if he was not right in supposing that this was the clause under which Government could call for volunteers for particular corps, he was, of course, in error. But it would be easy to introduce a clause of very much narrower scope, which would allow the cases of transfer mentioned by the right hon. and gallant Gentleman to take place, without having a sub-section, enabling the Government to call for large numbers of volunteers whenever they pleased, to be transferred from one corps to another. It appeared to him that there was no other place in the clause than that which he had selected for inserting his proposed Amendment. Under these circumstances, he did not see how the Government proposed to give any power of limitation. If the right hon. and gallant Gentleman said the power existed in another part of the Bill, he should, of course, be silent; otherwise, he must consider that his position had been maintained.

Mr. Parnell

SIR GEORGE CAMPBELL said, the clause, of course, enabled Government to extend service in regiments by volunteers. Under existing regulations, it would be quite impossible to carry on the public service without allowing men to volunteer.

MR. PARNELL would like to know which section the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) alluded to, because he was unable to discover it within the four corners of the Bill? He assumed the Government had the power which they had recently exercised, or else they had committed an oversight in not including it within the Bill.

COLONEL STANLEY replied, that the section referred to was No. 75.

Amendment negatived.

SIR ALEXANDER GORDON moved, as an Amendment, the insertion, after the word "seas" in line 15, page 44, of the words—

"Provided, That the power of transfer given by sub-sections four and five of Clause eighty of this Act shall not apply to any man who enlists for the whole of the period of twelve years in Army service, or to any man who, having enlisted for a portion of the said period in Army service, has extended his Army service for the residue unexpired of his term of twelve years, or to any man who has re-engaged."

THE CHAIRMAN pointed out to the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) that in the language of an Act of Parliament, instead of saying "Clause eighty of this Act," the wording would be "this section."

MR. O'CONNOR POWER wished to move an Amendment before the Question was put. By sub-section 2, a soldier might at any time, with his own consent, be transferred, by order of the competent military authority, to any corps of the Regular Forces. He (Mr. O'Connor Power) admitted that he would be transferred with his own consent; but was he transferred with the knowledge of the conditions upon which he would be transferred, or was the transfer made upon conditions by which the authorities might order anything they thought proper? His object was that the soldier should know into what engagement he entered by being transferred; and, therefore, he begged to move that after the word "by" in page 43, line

35, be inserted, "arrangement with the soldier so transferred, and by."

COLONEL STANLEY thought that the hon. Member for Mayo (Mr. O'Connor Power) was under a misapprehension with regard to this transfer. He would see, by taking the whole section, that the soldier could only vary the general conditions of service. His pay would neither be reduced nor increased by the transfer from one arm or branch of Service to another.

MR. O'CONNOR POWER, after the explanation of the right hon. and gallant Gentleman, begged leave to withdraw his Amendment.

Amendment (*Mr. O'Connor Power*), by leave, *withdrawn*.

MR. PARNELL wished to point out to the right hon. and gallant Gentleman the Secretary of State for War that he was entirely wrong in his contention that Clause 75 enabled him to call for volunteers for transfer from one corps to another. Such a power had been exercised in November last, when a number of volunteers were called for; but it was under sub-section 2 of the present clause to which he was objecting.

SIR GEORGE CAMPBELL could not understand the Amendment of the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon). It appeared to be designed to prevent Her Majesty having the number of long-service soldiers which she might otherwise have. If a man who enlisted for a long period of service, with a view to go to India, broke down in his health, and was obliged to be sent home, it was a very reasonable condition that he should be transferred to another corps. But the Amendment would render this impossible, and, therefore, he asked, what was to become of a man so placed? It might be that he was in a single battalion regiment, or that the other battalions of his regiment were serving abroad; and, therefore, unless he was transferred to another corps, his services would be lost to Her Majesty altogether. It appeared to him that, as regarded sub-section 5, the Amendment involved an impossibility; while it was difficult to understand its object with regard to sub-section 4.

SIR ALEXANDER GORDON had no wish to trouble the Committee with details; but he might state that the

Amendment was word for word in accordance with the existing Act, and its object was to prevent an old soldier who had served in one regiment, invalided and worn out, being sent to a new regiment under fresh circumstances. There was hardly anything which a soldier in that condition disliked more than to have to begin again in a new regiment, where he was wanted neither by his officers, nor by his comrades, because, not being a young man and a smart soldier, he was not likely to bring credit to the regiment.

Amendment (*Sir Alexander Gordon*) amended and agreed to; words inserted accordingly.

MAJOR NOLAN said, it was plain that sub-section 5 allowed all soldiers of four years' service to be transferred to any other regiment whatsoever, which would, of course, be disagreeable to a great many soldiers; because, as had been pointed out by the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), the regimental association would be broken up. But it was also objectionable on the ground that a great deal of favouritism might be shown in the selection of the men to be transferred. The commanding officer might weed out the men whom he wished to transfer, and if those men had been presumably all enlisted for a particular corps, it was extremely hard upon them to be put into another against their will. He was not prepared to pass the section altogether; but wanted to have inserted some words which would prevent the colonel of a regiment from showing favouritism or getting rid of particular men. He proposed to insert that—

"No soldier shall be so transferred against his will, unless all available soldiers are also transferred from the corps which is ordered home."

The effect of which would be that the colonel would not be able to pick and choose the men to be transferred. Nothing could be more unfair than that when a regiment was ordered home, and the colonel was ordered to transfer 200 men, he should select them upon any principle he might choose to adopt—that was to say, selecting the men of good or bad character; or, perhaps, according to fancy, picking out the Scotch, English, or Irish. He thought it was most unfair that men enlisted for abroad

should be liable to be picked out in this way. The fairest plan, in his opinion, would be to select for transfer the men of least standing in the regiment. He saw no difficulty as to the working of his Amendment, except, perhaps, as regarded the definition of the word "soldier." There might be a little difficulty about the non-commissioned officers in consequence; but it could be remedied very easily by inserting the words "private soldier."

COLONEL STANLEY said, the point raised by the hon. and gallant Member for Galway (Major Nolan) being one of rather large importance, he trusted he should be allowed carefully to look into the proposed wording. *Prima facie*, it seemed to him there might be a good deal of difficulty in the working of the Amendment, if carried; and, therefore, he asked the hon. and gallant Member to move it again on Report; in the meantime he (Colonel Stanley) undertook that it should receive fair consideration.

Amendment, by leave, *withdrawn*.

MAJOR O'BEIRNE found that, by sub-section 7, the authorities were to draft men guilty of fraudulent enlistment and desertion, as well as those who had been sentenced to imprisonment for more than four months into regiments in India and elsewhere. This, he wished to point out, was a very great injustice to the officers in those regiments, who ought not to be burdened with all the bad characters from the regiments at home. He was of opinion that the clause ought to mention that not more than a certain percentage of such men should be transferred. This subject was hardly discussed by the Committee upstairs, which he thought should have had before it the Military Codes of France, Germany, and Italy, for the purpose of seeing how those countries dealt with the bad characters in their Armies. The question was a very wide one, and he thought some further information should be supplied in connection with it. He thought that instead of drafting all the bad characters they should be allowed to volunteer, on condition that, after a certain number of years of good service abroad, their service should be restored to them. He begged to move the omission of sub-section 7.

Major Nolan

COLONEL STANLEY pointed out that under the operation of this sub-section a great benefit would be experienced by men who, in the great majority of cases, would be relieved of their penalties, and, instead of spending some years in gaol, would be attached to regiments serving abroad, where they would possibly settle down and make excellent soldiers. There would also be a great saving to the Army by retaining the services of men whose time would otherwise be almost invariably spent in prison. He could not help thinking that the system in operation abroad, to which the hon. and gallant Member for Leitrim (Major O'Beirne) had referred, would be found extremely repugnant to our Service. His own view was that a young soldier should be removed from the possibility of temptation, or rather merged into a regiment, where, having a new chance before him and a fresh start, he might become a good soldier. But there was another point in connection with this section to which he desired to call the attention of the Committee. He was sorry to say that there was in the Army a body of men who were apt to desert just at the moment when their battalion was ordered abroad. A day or two before the battalion was to leave they deserted, or otherwise so committed themselves as to be liable for trial by court martial, and, consequently, to lose their turn abroad. These men, by running the chance of a court martial, thereby not only avoided their own turn abroad, but were the cause of other men being sent out, who would otherwise remain at home. Now, he was very anxious that the designs of these men should not succeed; and therefore he hoped, as part of the general system proposed to be introduced, to give greater freedom to competent military authorities to transfer these men to battalions where they might perform good service to their country, and, at the same time, relieve other good men from the consequences of their default.

MR. O'DONNELL saw a good deal in the remarks of the right hon. and gallant Gentleman the Secretary of State for War. It was easy to see that this sub-section might have a beneficial application; but he thought, also, there might be a very considerable increase in the trouble and difficulty experienced by commanding officers abroad through

having a number of disorderly persons drafted into their regiments. It was worth while to consider the point referred to by the right hon. and gallant Gentleman, that a great many cases of desertion arose from the dislike which many men had to going abroad; and he (Mr. O'Donnell) was not sure that it would not be better to make use of the services of the men in question at home. That consideration reminded him of what had been referred to in the discussion upon the preceding clause—namely, where a man enlisted for one of the linked battalions, without realizing that he was liable for foreign service. It was certainly very hard that a man should find himself liable to serve abroad who had never intended it. No doubt, in many cases, the clause might be worked humanely; but it was certainly calculated to impose additional punishment of an aggravating kind, because, where a deserter was sentenced to a period of punishment at home, under this clause he could, immediately he had completed his term of punishment, be ordered abroad as an additional chastisement for his offence. Upon that point, he would ask the Secretary of State for War to say, whether a deserter who had been sentenced, and who had fulfilled his punishment, could, in virtue of this sub-section, be ordered on foreign service as an aggravation of his punishment?

MR. PARNELL said, he did not know what the meaning of Clause 76 was in connection with the clause under notice. It appeared to him that they had done something in Clause 76 they did not intend to do, and that they were going to enact something now which was not intended. In Clause 76, they had enacted that where a soldier had been convicted as a deserter the whole of his previous service should be forfeited. Now, they were asked to make a man liable to be sent abroad, if he had been convicted by a court martial of desertion or fraudulent enlistment, or having confessed the sentence, or being committed by a court of summary jurisdiction as a deserter, was liable to be tried, his trial had been dispensed with by order of the competent military authority. In sub-section (b), they were asked to say that where a person had been sentenced by a court martial for any offence to a punishment not less

than imprisonment for a term of four months, then he should also be liable to be sent abroad, and might be from time to time transferred to such corps of the Regular Forces as the competent military authority might order. Without going into the question whether it was righteous to sentence a man to what was equivalent to a term of transportation for five years for any petty offence which might subject him to a term of imprisonment for four months, his desire was to point out that some provisions in this clause were of a most extraordinary character. Without going into the question, he would inquire what was it a court of competent authority could do? They did not limit the power to inflict punishment upon the prisoner; but they gave power to punish him in addition to his sentence by sending him on foreign service. In sub-section 8 of the clause, they had this state of affairs—

“A soldier of the regular forces committed by a court of summary jurisdiction in any part of Her Majesty's dominions as a deserter shall be liable to be transferred by order of the competent military authority to any corps of the regular forces near to the place where he is committed, or to any other corps to which the competent military authority think it desirable to transfer him, and to serve in the corps to which he is so transferred without prejudice to his subsequent trial and punishment.”

That was, a soldier who had been convicted by a court of summary jurisdiction in any part of Her Majesty's dominions might be sent to any other part—that was, if at home, he might be sent to India or any of the Colonies. He thought that this clause required very careful consideration, and he was sure the right hon. and gallant Gentleman would not think that he desired to stop the progress of the Bill if he asked to be allowed then to report Progress.

COLONEL STANLEY hoped that the hon. Member would not press his Motion. He had not seen any disposition on the part of hon. Members to close the discussion, and he must say that the Bill had made very little progress. He hoped that the Committee would not stop its labours, at all events, until it had passed the clause. As regarded the point to which the hon. Member had alluded, he had already spoken fully upon the clause, and he did not wish to take up the time of the Committee by

repeating what he had said. He would remind hon. Members, with regard to sub-section 8, that it was a re-production of the existing sections of the Mutiny Act. Did the hon. Gentlemen know what the effect of the clause was? The effect was this—where a soldier of the Regular Forces had been committed by a court of summary jurisdiction, he was liable to be transferred by the competent military authority to serve in the corps which was nearest to the place where he had been convicted. The corps from which he had deserted might be many miles away, and it was absolutely impossible for the civil authority to sentence him to return to that corps. The most convenient course, under the circumstances, was to transfer a man to the corps nearest to which he was apprehended, and this provision only reproduced Sections 34 and 36 of the Mutiny Act. Battalions served at one time in one place and another time in another, and if deserters had to be sent out under escort to the places where their corps were serving, very great expense would be caused to the country. He did hope that the hon. Gentleman would not press his Motion to report Progress.

THE CHAIRMAN said, he did not understand that the hon. Member for Meath (Mr. Parnell) had made any Motion.

MR. PARNELL said, that he made it now; for he thought it was a very reasonable Motion. The right hon. and gallant Gentleman had only attempted to deal with one of the points which he had raised, and had not noticed the other matters to which he had referred. Unless the right hon. and gallant Gentleman could give some satisfactory answer, he must press his Motion. This clause had been drawn in the most abominable fashion, and it required careful re-drafting before the Committee could pass it. It was said that sub-section 8 was a reproduction of the old Mutiny Act—and that was all the reason that was offered for it—but, in his opinion, that was sufficient condemnation of the clause. The right hon. and gallant Gentleman said that the corps to which a deserter belonged might be serving abroad, and that he would have to be sent out to that corps. He thought that in order to meet that difficulty there was no necessity for the very excessive powers

of this clause. The clause clearly gave a power much in excess of what the right hon. and gallant Gentleman stated that he wished to insist upon. For his part, he (Mr. Parnell) must object to their being required to pass a clause which gave very much more power than the right hon. and gallant Gentleman stated that he required. But what answer had the right hon. and gallant Gentleman given to his observations upon sub-section *a* and sub-section *b*? He had said nothing, and had ignored the question entirely. This clause was utterly indefensible—it had been badly and roughly drawn, and required grave consideration. The Committee had now been sitting since a quarter to 4, and he thought had made very satisfactory progress, and had passed a large number of clauses dealing with very important matters indeed. If they judged of their progress by the number of clauses, their work might not look great; but, judged by its importance, the work which they had done had been very satisfactory. He thought that the Government should be satisfied with the progress already made, and should not insist upon going on with the clause.

Motion made, and Question proposed,
“That the Chairman do report Progress, and ask leave to sit again.”—
(*Mr. Parnell.*)

COLONEL STANLEY thought that on closer examination the hon. Member for Meath (Mr. Parnell) would not find this clause so indefensible as he seemed to think. It was provided by sub-section 8 that a soldier who had been committed by a court of summary jurisdiction as a deserter should be liable to be transferred to any corps near the place where he was committed, or to any other corps as the competent military authority might think desirable. In reply to the hon. Member, he (Colonel Stanley) had pointed out these provisions were in the Mutiny Act, before the hon. Member stated that that was sufficient condemnation for them. But, he would ask, what they were to do if they had not these provisions? Supposing a soldier was convicted in England of desertion from a regiment then in China; the man might be apprehended and convicted in England, and was the country to be put to the expense of sending him out to China under escort at a cost of £200 or

Colonel Stanley

£300, when his regiment was coming home next year? The difficulty was met by transferring the man to the nearest regiment. In the same way, if a man were apprehended abroad, and his regiment were at home, he would be made to serve in the regiment at the place where he was apprehended. Under the peculiar circumstances of our Army, those who were responsible for the Bill had endeavoured to meet all the various difficulties under which our soldiers had to serve. In some cases, they had expressed their meaning with more or less plainness, and some of the clauses were longer than he should have wished. At the same time, they could not help the clause being long, and he trusted the Committee would not think it was so bad as it had been made out.

THE MARQUESS OF HARTINGTON said, that it had always been regarded as a rule that the Committee should not report Progress until it had made some progress with the matter under discussion. This clause had been discussed at very considerable length, and if Progress was reported at that point, all that had been done with regard to this sub-section would be thrown away, for they would have to begin again. He hoped, therefore, that the Committee, which appeared very favourably disposed to consider any suggestions or proposals, would proceed, and, at any rate, finish this clause.

COLONEL ALEXANDER said, that this section had given a rather wide power, in permitting a court martial to sentence a man to imprisonment without knowing whether he would get an additional punishment of being transferred to foreign service. If the right hon. and gallant Gentleman would omit sub-section *b*, he thought that the clause would then do very well.

MR. O'DONNELL said, he had listened with a good deal of deference to the suggestions of those who had done really hard work upon the Bill that evening, and those observations applied with special force to the right hon. and gallant Gentleman the Secretary of State for War. Everyone, he (Mr. O'Donnell) was sure, was immensely indebted to him for the courtesy and the business capacity that he had shown. But when the noble Lord the Leader of Her Majesty's Opposition came down at that festive hour—when

he had not bled in his country's cause at an earlier hour of the evening, and addressed such observations as he had to the Committee—he thought those recommendations did not carry very great weight. He felt that he (Mr. O'Donnell) was one of those hon. Members who had worked hard that evening, and he trusted he had not been guilty of any factious opposition. He had given way on two or three occasions, and it had been admitted by Her Majesty's Government that many things in the Bill were not perceived until they were pointed out. He had no doubt that the sense of the Committee would be with those hon. Members who had worked hard that evening at the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, that no one could wish to do anything more than was reasonable. They had spent a good deal of time, and had taken great pains in the discussion on that clause; and, having that discussion fresh in their minds, he thought it a pity if they should adjourn until the clause was finished. It seemed to him that the most practical course would be to finish this clause, and then to proceed no further.

MR. RYLANDS thought it was a reasonable suggestion of the Government that if they were able to get through the clause they would not propose to go any further. With regard to sub-section 8, he agreed that it was reasonable, and he saw no objection to it; but he did object to sub-section 7. It was just possible that a little concession on the part of the right hon. and gallant Gentleman the Secretary of State for War would put the Committee in a position to settle the clause. Sub-section 7 provided that a man who had been convicted of being a deserter should, in addition to his other punishments, be liable to general service. A soldier might be punished for desertion, in addition to imprisonment, by being sent abroad, and by being transferred from time to time to such corps as were on the rota for foreign service, and might be retained for a number of years. The operation of a portion of sub-section 7 had been very properly animated upon by the hon. and gallant Member opposite (Colonel Alexander). It was absurd that because a soldier had been convicted of some offence, as pro-

vided in sub-section *b*, for which he had received imprisonment for a term of not less than four months, he should also be liable to this further punishment of being sent abroad as the authorities might order. If he understood the clause accurately, it enabled a commanding officer, or the competent military authority, by transferring this man, to retain him in foreign service for a number of years. If the right hon. and gallant Gentleman could amend the clause by limiting the effect of this punishment, he thought that it might meet their views. But, unless the Government were willing to take that course, he did not think it unreasonable that Progress should then be reported.

COLONEL STANLEY thought it possible they might arrive at some understanding with regard to the clause. The operation of sub-section *b* was, no doubt, what had been attributed to it—that when a man had been sentenced by a court martial to imprisonment he might also be compelled to serve abroad. But that was not the intention of the Government. He had said before that their object in this clause was to enable men to serve their country instead of passing their time in prison. He thought that the views, both of the Government and of hon. Members, might be met by inserting on page 44, the third line from the bottom, after the word “liable,” words providing that men could choose to accept that liability in commutation of their punishments.

MAJOR O’BEIRNE said, that the regiments to which bad characters were sent would very much object. Both officers and men of any regiment would strongly object to receiving more than a fair proportion of bad characters. He thought that there ought to be an allotted number of bad characters for each regiment, and that no regiment should have more than a certain number. At present, there was a discretionary power under the clause to transfer any number of these men.

COLONEL STANLEY said, that regulations of that minuteness could not be laid down in an Act of Parliament. It would be impossible to say in an Act how many bad characters should be sent to any regiment. He might, however, say that he did not think that this clause would apply to a man who was a bad character. It was well known that there

were a number of high-spirited young men who got into trouble from some cause or other in one regiment. They were now sentenced to imprisonment; and the object of this clause was to give them a fresh chance, without compelling them to pass their time in prison. A man guilty of a serious offence, or of very disgraceful conduct, would not be relieved from his sentence under this clause. For the number of these men who should be transferred to any regiment he could not possibly say, as it was a matter which must be left to the discretion of the authorities. At the same time, he might assure the hon. and gallant Member (Major O’Beirne) that there would not be sent to any regiment any such numbers as would cause disgrace to the corps.

COLONEL ALEXANDER thought that the limit at which this option of serving abroad was to be given was somewhat arbitrary. The clause fixed it at imprisonment for a term of four months; but sometimes men got one month, and sometimes four, for the same offence, at the discretion of the officers composing the court martial.

COLONEL STANLEY said, that four months had been fixed as the term, because it seemed to him to be practically the limit for minor offences. A court martial generally sentenced to four months for some small insubordination.

COLONEL ARBUTHNOT said, the clause was one which would give great satisfaction to officers and men in the Army. He might claim some share in it, as he was instrumental in bringing the subject into notice; and it was his suggestion that it would be better to transfer a man for foreign service than to imprison him.

MR. PARNELL wished to point out that what had been stated by the right hon. Gentleman the Chancellor of the Exchequer, and by the noble Lord (the Marquess of Hartington), who, having delivered his shot, had left the House, was not the question. These sub-sections were really in the nature of fresh clauses, although they had been put into one large clause. His hon. and gallant Friend the Member for Leitrim (Major O’Beirne) had moved an Amendment to strike out the whole of sub-section 7, which included both sub-sections *a* and *b*. The right hon. and gallant Gentleman the Secretary of State

Mr. Rylands

for War had admitted that it was only when matters were debated that they could be properly understood; and up till ten minutes ago they had not been discussing the effect of this sub-section at all, and he did think it rather unreasonable to ask them to go on with the discussion of a sub-section of this character at that late hour. Some of these sub-sections involved entirely fresh matter. He would remind the right hon. Gentleman the Chancellor of the Exchequer of his promise of a few days ago, in which he said that he had no objection to any fair discussion of the principle of the different clauses, and that he was ready to consider any amendment of such clauses. When the Amendment of his hon. and gallant Friend the Member for Leitrim had been disposed of, they would meet several other important Amendments. He ventured to say that the right hon. and gallant Gentleman the Secretary of State for War had admitted the soundness of his views upon sub-section *b*, by agreeing to make some modification in the clause. He desired the right hon. and gallant Gentleman now to go further; he wished to mitigate the punishment of imprisonment upon those high-spirited soldiers they had heard of, where their offences were not of a nature discreditable to the military character. It was all very well for the right hon. and gallant Gentleman to wish to mitigate their punishment; but it ought to be left at the option of the prisoners. If the military authorities thought it desirable that soldiers should be given an opportunity of going abroad in order to avoid imprisonment, let this be done. This sub-section, instead of being permissive, was imperative, upon a soldier who had been convicted, and sentenced to four months' imprisonment, to go abroad. A man might have enlisted in order to serve a short time in the Army, and then to enter the Reserve. He thought he had said sufficient to show that these were new questions which they were approaching, and that they should not be expected to enter upon them at 1 o'clock in the morning.

MR. O'DONNELL said, that there were two classes of men in the Service; there were short-service men and long-service men. It was a very fair and merciful thing to allow a man, who had enlisted for a long period of service, to go upon foreign service, in commutation

of his punishment; but, with regard to the short-service man, to send him on foreign service was very much to increase his punishment. He spoke without the slightest desire to have the consideration of this clause postponed; but he felt quite sure that if the right hon. and gallant Gentleman the Secretary of State for War took further time to consider the matter, he would find that he could easily introduce two or three Amendments which would satisfy the opponents of the clause. The right hon. and gallant Gentleman had himself said that it was by objections being raised that the real effect of the clause became apparent. He fully agreed, not only with the right hon. and gallant Gentleman the Secretary of State for War, but with the hon. and gallant Colonel (Colonel Arbuthnot), that this was a most excellent clause; but its working ought to be limited in some way. A great part of their objection would be removed, if an undertaking were given by the Government to take into consideration the question they had ventured to raise as to the difference between the long and short service men, and the great increase in the hardship upon men who had not intended to spend a long period of their lives abroad. If the right hon. and gallant Gentleman would consent to make some alteration in these matters upon Report, he (Mr. O'Donnell) did not think it would be asking too much of the hon. Member for Meath (Mr. Parnell) to request him to withdraw his opposition to the clause.

COLONEL STANLEY said, that he should not like to make any promise, as he might not be able to carry it out. At the same time, he would consider the matters to which allusion had been made between then and the Report.

MR. PARNELL did not think that they would be right in allowing that clause to pass at that hour of the morning, as they would have to assemble at 2 o'clock again that afternoon. He would urge upon the Government to consider these matters. In addition to what the hon. Member for Dungarvan (Mr. O'Donnell) had pointed out, he must draw attention to the fact that sub-section 8 was very roughly drawn, and that it gave power to transfer deserters to any corps. He thought the difficulty might be met by a slight alteration, and he hoped that the matter would be reconsidered on the Report.

COLONEL STANLEY said, that he would endeavour to make some alteration, if the hon. Member would give him any suggestion on the matter. He would point out to him, however, that sub-section 8 was not penal.

Motion, by leave, *withdrawn*.

Amendment (Major O'Beirne), by leave, *withdrawn*.

Amendment (Colonel Stanley) *agreed to*; words *inserted* accordingly.

MR. PARNELL proposed to alter the period of imprisonment, under which a man was liable to foreign service from four months to six months.

COLONEL STANLEY said, he had no objection to the alteration; but he thought that the practical effect of it would be to leave more men in prison. It might be best to leave the clause as it stood.

Amendment *agreed to*; words *substituted* accordingly.

MR. PARNELL said, that before the clause was passed, he wished to say that he thought they were making a very great mistake in passing it then. It had been practically passed without discussion, when it was really as important a clause as the provost marshal clause. He did not think a fair opportunity for discussing the clause had been given.

Clause, as amended, *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

VOLUNTEER CORPS (IRELAND) (*re-committed*) BILL.—[BILL 200.]

(Mr O'Clery, Major Nolan, Lord Francis Conyngham, Major O'Beirne.)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title).

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) trusted that the hon. Member for Wexford (MR. O'Clery) would report Progress, in conformity with an undertaking which he had given.

MR. O'CLERY said, he was not aware that he had given any such undertaking;

but as the right hon. and learned Gentleman had a distinct understanding on the matter he felt himself bound by it, and would, if desired, move to report Progress, and, more especially, if there were any Amendments to discuss.

MR. PARNELL said, that the Bill had been under the consideration of the Government for some time, and had been re-committed for the purpose of having alterations made in it, in accordance with the desire of the right hon. and learned Gentleman the Attorney General for Ireland. The Secretary of State for War and the Government had had the matter before them for six or seven weeks, and he did not see any reason for postponing the Committee then.

THE CHAIRMAN: I must point out that there is no Question before the Committee. The Question is, that Clause 1 stand part of the Bill.

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) said, that the hon. Member for Wexford (MR. O'Clery) had informed him (MR. Gibson) that he would not fail to report Progress immediately that the Bill went into Committee. He had no objection himself to the Bill being taken then; but he knew that many hon. Members who wished to consider the Bill in its present stage, and move Amendments, had left the House. Further than that, the Bill had only been distributed that morning.

MAJOR NOLAN suggested that the Bill should go through Committee then, on an understanding being given by the hon. Member in charge of the Bill (MR. O'Clery) that there should be liberty to bring forward any Amendment on the Report.

COLONEL KING-HARMAN said, that this Bill would be very useful to the country in every way, and he trusted that it would be allowed to pass.

THE CHAIRMAN pointed out that the discussion was irregular on the Question that Clause 1 stand part of the Bill.

MR. DE LA POER BERESFORD stated that he took as much interest as everyone else in the Bill; but he did not think it should be considered then. He begged to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. De La Poer Beresford.)

MR. STACPOOLE said, that the Bill could be re-considered on Report. The Bill was much looked for in Ireland, and he hoped that it would be allowed to go through Committee then.

MR. O'CLERY said, that, though personally anxious to have the Bill proceeded with, he had no distinct recollection of the understanding stated by the right hon. and learned Gentleman opposite (Mr. Gibson); but he was willing to accept his recollection of it. But as several hon. Members were desirous of going on with the Bill he would ask him to re-consider the matter, and allow them to go through Committee.

MR. CALLAN said, that the opposition to this Bill was of the nature of obstruction on the part of one hon. Member supporting the Government. The 1st section of the Bill was very simple, and he could see no objection to its passing. He trusted that the Government would restrain the eagerness of their supporters in the cause of obstruction to Public Business, and allow them to proceed. The Bill was approved of by the Government, and he would appeal to the right hon. and learned Gentleman the Attorney General for Ireland to withdraw his objection to the Bill going through Committee.

MR. J. LOWTHER said, that he was not aware of the understanding which it had been stated had been come to, nor in fact had he, until a moment ago, had any idea that the Bill would be brought on that night; but he thought there was a good deal to be said with regard to it not being taken at that hour. Of course, it would be quite impossible to proceed, if they arrived at any contested matter. Perhaps there would be no objection to take so much of the Bill as was unopposed, and then, if at any point objection was taken, to move to report Progress.

MR. DE LA POER BERESFORD wished to make some explanation as to what had fallen from an hon. Member (Mr. Callan) on the other side of the House. He had remained in the House for the purpose of preventing this Bill going through Committee. There were many things in the Bill which he objected to, and many provisions required very careful discussion.

MR. PARNELL thought that, rather than cause any unpleasantness between Irish Members on either side of the House,

it would be better to report Progress then, and to take the Bill at an early day.

COLONEL KING-HARMAN asked that Progress might not then be reported, but that they might go on with the Bill so far as there was no opposition. He did not wish to detain the House by saying he considered that there was a very good feeling on both sides of the House with regard to the Bill, and that it was a very popular measure. The Bill dealt with a matter concerning a large number of Her Majesty's subjects, and it was hardly reasonable to require this postponement.

SIR ARTHUR HAYTER said, that he had an Amendment to the Bill; but if the hon. Member in charge of the Bill would agree to report Progress after passing the 1st clause he should be content.

MR. O'CLERY agreed that Progress should be reported after passing the 1st clause.

LORD FRANCIS CONYNGHAM could not understand why there should be any opposition to one clause of the Bill being passed. The Bill had been before the House some time. He had the honour to have his name on the back of the Bill, and he could not see why the 1st clause should not be passed before they reported Progress.

Motion negatived.

Clause agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

CHARITY (EXPENSES AND ACCOUNTS) BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to provide for the contribution by Charities towards the expenses of the Charity Commissioners for England and Wales, and to make further provision respecting the Accounts of Charities, *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 221.]

INDUSTRIAL ENTERPRISE (IRELAND) BILL.

On Motion of Mr. P. J. SMYTH, Bill for the establishment of an Irish Tribunal with functions similar to those now exercised by Committees of Parliament with reference to Irish undertakings of an Industrial character, *ordered* to be brought in by Mr. P. J. SMYTH, Mr. JOSEPH COWEN, Colonel KING-HARMAN, and The O'DONOGHUE.

Bill presented, and read the first time. [Bill 222.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 27th June, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Customs and Inland Revenue *; Civil Procedure Acts Repeal * (132).
Second Reading—Consolidated Fund (No. 4) *.

TREATY OF BERLIN—ARMENIA.

ADDRESS FOR CORRESPONDENCE.

THE EARL OF CARNARVON, in rising to call attention to the present condition of the Armenian people, in reference to the 61st Article of the Treaty of Berlin, and to move an Address, said, that 12 months had nearly elapsed since a discussion had arisen on the subject in that House—a discussion which was introduced by his noble Friend (the Earl of Shaftesbury), whose name had, throughout the whole of his life, been associated with every principle of humanity and consideration for others. It was a discussion which excited a good deal of attention, and provoked from all sides of the House an expression of sympathy with the Armenian population in the circumstances in which they were placed. The Armenians, whether regarded as a nation or a race, were fully entitled to great sympathy indeed, for they possessed an intelligence which was far beyond the average, and had, in spite of numberless difficulties, developed themselves in education and general knowledge, and had shown a power of acting for themselves. Among the Eastern populations they deserved to rank next to, if they were not exactly on the same level with, the Greeks and Jews. When their case was brought before their Lordships on the occasion to which he referred, his noble Friend the Secretary of State for Foreign Affairs expressed his cordial sympathy with those people, and his full determination to do everything in his power to assist them in the Congress that was then approaching. It would be well, perhaps, before proceeding further, that he should recall to their Lordships' attention the facts in connection with the subject of the past year. He wished, in the first place, to say that any observations which he might make would have reference to the Armenians, so far as he could dis-

tinguish them in Asia Minor, and not in Europe; and, in the next place, that he had no desire to state anything of a needlessly controversial character, knowing, as he did, that the opinions of their Lordships were divided on some points. The first point he desired to call attention to was an Article in the Treaty of San Stefano, concluded between Russia and the Porte. He referred to the 16th Article of that Treaty, which provided that, as the evacuation by the Russian troops of territory occupied by them in Armenia which was to be restored to Turkey might give rise to conflicts and complications detrimental to good relations, the Porte engaged to carry into effect, without further delay, the improvements and reforms that were demanded by local requirements in the Provinces inhabited by the Armenians, and should agree to afford them protection against the Circassians and Kurds. The next point to which he desired to direct attention was the fact that, as he had already stated, the greatest sympathy with the Armenians was expressed in the previous discussion in their Lordships' House, and that, in a subsequent despatch, the Foreign Secretary, after having joined in that expression of sympathy, gave an additional assurance in the matter. The next step was the assembling of the Congress at Berlin; and their Lordships would find that the case of the Armenians occupied the attention of the Congress on no less than three separate occasions, when the same sympathy was expressed for them as had been expressed by his noble Friend the Secretary of State for Foreign Affairs in his despatches. The result was the insertion in the Treaty of Berlin of the Article which had led to his giving the Notice which appeared on the Paper in his name. That Article was a very important one. It guaranteed, in the first place, that there should be such reforms for the Armenians as were demanded by local requirements; and, secondly, that those reforms should be introduced immediately. It also provided that the guarantee should apply to the Armenians all over the Turkish Empire in all the Provinces inhabited by Armenians—it guaranteed their security and protection against the Circassians and Kurds; and, lastly, it was guaranteed that the Porte should periodically make known the steps which it had taken to carry

out these reforms to the Powers, who would superintend their application. It would be observed that there was a great difference between the Article and that which had been agreed to between Russia and Turkey and inserted in the Treaty of San Stefano. In accordance with the Article in the Treaty of San Stefano, the Armenians in whose case the reforms were to be carried out were confined geographically to Armenia proper; while, according to the 61st Article of the Treaty of Berlin, they were to be extended, not to Armenians living in any one particular district or direction, but wherever they might be all over the Empire. That, he thought, was a fair and reasonable construction of the two Articles. Their Lordships would also see that, by the 61st Article of the Treaty, there was a double duty laid down—first, that the Porte should make the reforms; and, secondly, that the superintending Powers should insist on their application. This duty of insisting on these reforms being carried out applied not merely to this country, but to all the superintending Powers. If any one of the superintending Powers failed to look after the execution of the guarantee, the obligation and right to do so in the case of the others would in no degree be removed. In other words, if we failed to carry out our part of the transaction, the right of Russia, would, unquestionably, still exist. But Her Majesty's Government had, over and above that, entered into a special Convention with Turkey, which had three objects. If Russia should hereafter encroach on Turkish territory in Asia, we undertook to protect her; that, in consideration of that undertaking on our part, Turkey should undertake to carry out reforms for the benefit of her Christian populations in Asia, among which the Armenians were clearly included; while the power was also claimed for this country, in a despatch of his noble Friend the Secretary of State for Foreign Affairs, dated 8th of August, to "insist," as it was said, on the reforms being made. The bond was sealed by the cession to us of the Island of Cyprus. Such, then, was the groundwork for what he had to say on the subject, and the facts, so far as they were known last year. He would now proceed to consider how the pledges to which he had referred had been redeemed by those who were parties to

them—pledges which were based, first, on an European Treaty; secondly, on a special Treaty with the country; and which, thirdly, had been cemented by assurances given on both sides—by Her Majesty's Government on the one side, and by the Turkish Government on the other. What was the state of the Armenian population now, as compared with what it was when those pledges were given? What progress had been made in the direction of the promised reforms? His noble Friend the Secretary of State for Foreign Affairs had very clearly stated, in the despatch which he had just mentioned, the causes of the sufferings of the Armenian subjects of Turkey; and Earl Russell had, some 10 or 12 years ago, written a despatch which contained similar advice on the subject. Those sufferings might be referred to three heads; the police, the judiciary, and the fiscal system. Their Lordships knew what police in Asia Minor meant. There were either no police at all, or they were the agents of corruption, extortion, and oppression. The men who were employed as police received bribes in lieu of wages; and the natural consequences followed that criminals were allowed to escape from justice by the payment of bribes, and that innocent men were left to languish in prison unless they did the same thing. Nothing, he might add, could be more forcibly described than the shocking state of the prisons had been by Sir Henry Layard. Recruits were forced into the Army, and were permitted to go back to their homes only on the payment of money. A curious and instructive case was stated by a writer in a periodical who had a perfect knowledge of the subject, of a certain police officer in the Turkish service, whose salary was £100 a-year, but who, at the end of 14 years' service, found himself able to retire with a capital of £50,000. All knew that professional witnesses were to be had upon the payment of money. The system of false evidence carried on in Turkish Courts was so classified and graduated that aged men with white beards commanded a considerably higher rate of payment than young and less experienced men. Christian evidence was not received. He was quite aware that Codes had, in past years, been drawn up, and numerous proclamations issued, all affirming the principle that

Christian evidence should not be excluded from the Turkish Courts; but still, as a matter of fact, the law was over and over again disregarded, and in some places entirely set aside. The fiscal system was a cause of unmitigated oppression, exaction, tyranny, and extortion. There were cases where the valuation of land was so flagrantly unequal, as between Mahomedan and Christian, that where a property had been divided, the portion assigned to the former was assessed at 500 piastres, that of the latter was assessed at 5,000 piastres. As regarded the police, the Turkish Government had represented that they had no money to pay it. With reference to Judges, they ultimately suggested the appointment of Inspectors; but he doubted whether a single Inspector had been appointed. With respect to the fiscal system, they said it was impossible hastily to make the changes desired, and they must be made with deliberation. For his part, he feared these reforms would be postponed until the Greek Kalends. His noble Friend the Secretary of State for Foreign Affairs, in his reply, accepted the plea of delay on the part of the Turkish Government. That was the first attempt on the part of Her Majesty's Government to secure the reforms which Turkey had pledged herself to carry out, and which Her Majesty's Government had pledged themselves to insist upon. He had always maintained that it was impossible to get Turkey to carry out these reforms, and he was all the more satisfied of that as time went on. With regard to the Armenians in Asia Minor, he had a document, no doubt well known at the Foreign Office, which contained a list of the miseries, exactions, and oppressions which had been inflicted upon that people between the months of November last and January. So far as it went, it was an official document; it was drawn up by the Armenian Patriarch—and he begged their Lordships to remember that the Armenian Patriarch had an official position and was recognized by the Porte. He would not weary their Lordships by going much into detail; but there were a few cases described in the document in question to which he would refer. As to the people in the district of Moush, their condition was stated to be worse since the war—villages destroyed, convents

sacked—one convent sacked four times with all the usual horrors—every sort of oppression by Kurds, by police, and by all officials, sale of justice, and crushing taxation. As to Bitlis, in numberless villages the Kurds had carried off the grain and cattle, wounding and outraging and sometimes killing the Armenian peasants. In Divrig, the Armenians were ill-treated, insulted, and wounded. In Zeitoun, the people were crushed with taxes, the chief inhabitants were summoned to discuss grievances and then thrown into prison. In Van, the Armenian quarter was set on fire, and 50,000 Armenians were preparing to emigrate to Russia and Persia. It had been asserted, on evidence which he believed to be correct, that the taxes levied in one district nearest to our new acquisition southwards had increased since the period before the war from 25,000 piastres to 580,000. That was in the district of Saitchar. Some 200 Armenians seemed to have threatened opposition, and they were taken with arms in their possession, and committed to prison, where about 16 died. The remainder were released through the protest and representations of Mr. Mallet, who was acting for our Ambassador to the Turkish Government. A Commission was sent, and the first thing it did was to deprive these people of their arms, and leave them in the hands of their oppressors. Another cause of oppression was this. As their Lordships knew, the Turkish Exchequer, in its almost bankrupt state, had issued a great deal of paper money. A large portion of this money found its way into the hands of the Armenians, who were small traders and the bankers of the East; and it did seem to him a most flagrant act on the part of the Turkish Government to issue this paper money, and then refuse the payment of taxes in this money. A short time since the Armenian Patriarch resigned his office in despair. He was told that the resignation was not accepted by the Turkish Government. He then appointed a Vicar to act for him; but the Vicar, he believed, had never been recognized. The Armenian Patriarch, therefore, was in a state of suspended animation. The Turkish Government, as usual, issued a Commission; but the Patriarch objected to it, because there was not a single Armenian or Christian upon it. It appeared

that during the last month or so there were Commissions being issued everywhere; but on those Commissions Turks alone were appointed, or Christians of so inferior a grade that they exercised no influence. These Commissions, so far as good purposes were concerned, were useless. They were ridiculed in the country, and they acted as blinds for positive oppression. He understood that the Patriarch had protested, not merely to the Porte, but to all the Powers which were parties to the Treaty of Berlin. If that protest was in the hands of his noble Friend, he hoped it would be included in the Papers to be produced. What were the wishes of the Armenian people? Were they unreasonable? They had over and over again disclaimed, through their organs and representatives, any desire for political independence. Their claims were claims in regard to which the humblest man in England would think he was deeply wronged if the slightest doubt was thrown upon them. A denial of those claims in this country would turn men's blood into fire. The claims of the Armenians were for equality in the eyes of the law—equality in conscience, in religion, and in taxation; and they demanded protection from systematic plunder and oppression. They asked for security for their property, for the lives of men, and the honour of women. Lastly, they urged—and here they had the concurrence of his noble Friend the Foreign Secretary—very strongly the appointment of Christian Governors. There could be no real redress until Christian Governors were appointed, and until they obtained the presence of Europeans in the different civil and military organizations, such as the police, judicial and other systems, whether they acted as Inspectors, Judges, Officers, or Consuls. Only then could they obtain that tranquillity which was desired. Lord Clarendon and Lord Russell had written in the same strain on the subject. At the end of the Crimean War, Lord Clarendon, writing to Lord Stratford de Redcliffe, said—

“Her Majesty's Government know by experience the utter inutility of appealing on such matters to the Porte; but the Turkish Government should be made aware that if this systematic misgovernment and persecution of Christians, and violations of engagements continue, it will be impossible to arrest the pro-

gress of the opinion which is now manifesting itself that Mahomedan rule is incompatible with civilization and humanity, and can no longer be endured.”

That was the language of one of the coolest and wisest Foreign Secretaries they had had for many years. Four years afterwards, Lord John Russell wrote in a similar strain to Sir Henry Bulwer, and on the 8th of August, 1878, Lord Salisbury wrote to Sir Henry Layard—

“The immediate necessity of Asiatic Turkey is for the simplest form of order and good government; for such security from rapine, whether lawless or legal, that industry may flourish, and population may cease to decline. With this object in view, it appears to Her Majesty's Government that the subjects which most urgently require attention are the maintenance of order, the administration of justice, and the collection of the revenue.”

That which existed in 1856, in 1860, in 1872, 1874, and 1878, exists now—with only this addition—that our Government had given warnings in more solemn language—that the national policy had been pledged to see that the warnings given were obeyed. In conclusion, he came to this disagreeable question—What was the net result, after one year's experience of the 1st Article of the Treaty of Berlin? He would not say that it was simply a case of large promise and scant performance. In the present state of the population, there was a painful contrast between the Armenians on the Turkish side of the border and the Armenians on the Russian side. On the one side there was a debasing and grinding system, and on the Russian side, at all events, there was a sense of contentment. He thought this a dangerous state of things. He was afraid there was little feeling of gratitude to this country, either on the part of the Christian or the Mahomedan population of whom he had been speaking—on the part of the Christians, because they saw no performance of our promises, and on the part of the Mahomedans, because of our constant but ineffectual interference. The late Lord Aberdeen had said that it was only by actual and irresistible pressure that the Turkish Government would ever attempt to make reforms, and this still held good. He moved for the production of the Correspondence to which his Notice referred.

Moved, That an humble Address be presented to Her Majesty for Correspondence respecting the 61st Article of the Treaty of Berlin, in respect of the Armenian people.—(*The Earl of Carnarvon.*)

LORD HAMMOND said, that the 61st Article of the Treaty of Berlin was a reproduction of the concluding stipulation of the 16th Article of the Treaty of San Stefano; but the latter contained important words which were omitted in the former Treaty, and which limited the obligations of the 16th Article to the Province of Erzeroum or Armenia; while the Article of the Treaty of Berlin extended the Guarantee of the Powers, and the protection to be given, to all Provinces where there was an Armenian population. Now, in point of fact, there was no nation that could be called the Armenian nation. Armenia ceased to be a nation in 1393. But, though the nation no longer existed, there still existed an Armenian race, and Armenians dwelt in every part and city of the Turkish dominions in Asia Minor; and, therefore, the Treaty of Berlin gave to Russia and all the Powers a right to interfere in all parts of Asiatic Turkey. In dealing with the question of the Armenians, they must consider the 1st Article of the Treaty of the 4th June, 1878. The Government, in a despatch of August 8, pointed out certain specific reforms, and in a despatch of December it accepted as generally satisfactory the assurance received from the Porte in reply; and he would ask the noble Marquess whether those assurances had been carried into effect by the Porte? Much might be done by establishing an effective *gendarmerie*, and by modifications in the system of tithe-farming, by which present evils should be corrected, without driving those who had to pay the tithes into the hands of the usurers. It seemed to him that the establishment of a roving judicial inspectorate, as recommended by the Porte, was preferable to the appointment of foreign Judges, and that the system which had been adopted in India, in regard to the expenses for the entertainment of public officers, would be beneficial in Asia Minor. But, after all, it seemed to him that however anxious they might be for the introduction of reforms by the Porte, they must not be unreasonable, and expect that they could be generally and immediately

put into execution. It was not easy, after the existence of evils of long standing in any country, to remove them altogether and at once. It was suggested by the Porte that, at first, any reforms should be applied to a limited area; and that was well worthy of consideration, as any new system must be tentative in the first instance, and might require alteration. Such alteration could be made more easily within a limited area; and when the new system was found to work well it could be applied to the whole country. He wished to ask the noble Marquess whether he could lay before the House the Treaty concluded between Turkey and Russia within the last few months? It might be inexpedient to lay before them the comments by the Government or by the Ambassador; but it would be a great convenience to the public to know what the clauses of the Treaty were, especially as regarded those which bore on the pecuniary interests of individuals in this country.

THE MARQUESS OF SALISBURY: My Lords, in all that was said by my noble Friend, when expressing his sympathy with the sufferings of the Armenian people, or, indeed, the sufferings of any of those who inhabit the Turkish Provinces of Asia Minor—in all that he said in indignation against the Government which undoubtedly prevails there, I certainly should not have found anything to differ from. But, while expressing my concurrence with his compassionate views, and with the interest which he very naturally takes in a people whose present qualities and whose past history entitles them to sympathy, I must demur to the political complexion which he seemed to me to give to the subject. To judge from his tone—to judge from the way in which he flung these various abuses at the head of Her Majesty's Government, one would have fancied that he was talking of some place which was under the dominion of the Crown; that he was speaking of Ireland, or of India, or of some other place for whose good government the Ministers of Great Britain are responsible. It is undoubtedly true that on two occasions we have made efforts, by means of formal stipulations, to obtain for the inhabitants of Asia Minor a greater share of the blessings of tranquillity, of good government, and of prosperity; and we have given to those

stipulations on the part of the Porte all the formality that we were able to give. But I entirely deny the doctrine that because we made those efforts, and because we were successful—whatever that success may have been worth—we are to be treated as responsible for every case of abuse and misgovernment which the correspondents of my noble Friend may have been able to produce to him. My noble Friend complained, as if it were our fault, that the Turkish Government had issued paper money; he complained that tithe-farming still existed; he complained that sufficient salaries were not given to the Judges and other judicial functionaries; and he complained—I think, somewhat inconsistently—of the severity of the taxation out of which all increased payments must come. He complained that Commissions were not sent, and he complained that they were sent; and that on those Commissions we had not taken care that the persons appointed were of the rank that the Armenian Patriarch would desire. I entirely repudiate all these responsibilities. We have done our best by the stipulations that we were able to obtain. We have done precisely what was done by the Ministry which was in Office at the time of the Crimean War. We have inserted in our Treaty terms and engagements which, in the short interval that has elapsed, we have endeavoured by diplomatic pressure to make a reality. How far the Ministry that succeeded to Office after the Crimean War are justified in taking the same credit to themselves is a matter into which it might not be pleasant to inquire. What I wish to insist upon, my Lords, is this—that even if the reform of all these abuses were possible—even if it were possible to make any substantial and palpable impression upon them within the brief time that has elapsed—there is no special responsibility upon Her Majesty's Government to see to them, certainly, as far as the Armenian people are concerned. All the Powers of Europe equally signed the 61st Article of the Berlin Treaty, and reserved to themselves an equal right to receive from the Porte an account of what was being done. The truth is that there was evidently lying at the bottom of my noble Friend's complaints the idea that we have incurred a responsibility on a very different ground. The idea that we could incur responsibility, because we

had obtained certain stipulations, is in itself absurd. But what my noble Friend meant, when he said that we had attempted the impossible—what he meant, when he referred to the condition of the Russian Armenians over the border, was this—that we have taken an active part in a policy of which the object is to rescue those countries from the domination of Russia; and what he would imply is, that the domination of Russia is infinitely preferable to that under which they are now.

THE EARL OF CARNARVON said, he had never used words to that effect.

THE MARQUESS OF SALISBURY: I certainly understood my noble Friend to say that there was contentment over the border, although I am not aware of any proof of that statement having been brought forward. Whether there is contentment in different parts of the Russian Empire is, perhaps, a matter which it might not be convenient for me to discuss. But while I repudiate the obligations to which I have referred, and maintain that the utmost that we can do is to urge upon every suitable opportunity, with all the energy we can, that the promises which the Porte has given should be fulfilled, I still think that hard measure is dealt out to the Porte, when the expectation is entertained that a sudden reform of all these evils can be effected. Why, what was the nature of the evils which my noble Friend dwelt upon? One matter upon which he was most eloquent was the perjured character of the witnesses who appear in the Law Courts. By what possible contrivance—I will not say by what diplomacy—could the most despotic, the most earnest Government which could possibly be imagined at Constantinople, bring any effective cure to such an evil as that? And when this is brought forward as though it were a special inheritance of the Turkish Government, and as though there existed no other part of the world where witnesses may be hired at pleasure in order to testify to anything which the parties may desire to have proved, I hardly think my noble Friend has followed with sufficient care the contemporary history of some of the Eastern Dependencies of the British Crown. I have heard similar complaints in regard to various parts of India. How far they are true I will not venture to say; but that such a

reproach has been constantly levelled at witnesses in parts of India, as well as in Turkey, your Lordships are perfectly aware. It is one of those things which it is entirely out of the power of any Government or diplomacy to cure, and I think the reference to it in the speech of my noble Friend was out of place. Well, then, my noble Friend dwelt a good deal upon the oppression which the Turks—not the Turkish Government, but the Turkish Mahomedan population—were prone to exercise upon their Christian fellow-subjects. It is a melancholy truth that this should be so; but is it a thing which any Government can cure, much more that any diplomacy can cure? These things are certainly the evil inheritance of centuries—they are the traditions of the people, and are rooted in their hearts; and if they are to be cured, assuredly it is not by a cure that can come from politicians or diplomatists. In all the consideration that one can give to the difficult question of reforms in Turkey, one hack quotation comes up constantly to the mind—“*Quid leges sine moribus?*” It is perfectly useless to multiply Codes or diplomatic promises, if you expect that by them you can alter the nature or the temper of a people. But, my Lords, my noble Friend also alluded—I thought with great bitterness—to the maintenance of the tithe-farming system in Turkey. Well, we all know that the system is a great abuse; but we also know that it has been repeatedly denounced. Are the Turks the only people who maintain the system to which so much objection has been taken? Modern Greece, which has been free for 50 years, has not yet been able to abolish the system of tithe-farming. When it fell to my lot to consider the changes which should be introduced in the government of Cyprus, I was, like other persons, trained in Indian traditions, in favour of trying the Indian system, and Sir Garnet Wolseley made great efforts of persuasion in that direction; but I found our course met by the protests of persons who knew the country well. We found that there was great danger in an inelastic system of settlement, owing to the changeableness of the Eastern climate—where there is drought one year and plenty the next. We were in this difficulty; we must either put the settlement far too low to meet the

just claims upon the revenue in years of plenty, or so high as to be oppressive in years of drought. I do not say, however, that my noble Friend has not brought forward very forcible reasons for the abolition of the system in question. I believe it ought to be abolished; but this I say, its abolition must be attended with very great difficulty. It cannot be effected by the stroke of the pen, or in a single year. There is one reform which, as I have stated over and over again in your Lordships' House, ought to be introduced, and that is the creation of a strong force of *gendarmes* for the maintenance of order, for the protection, not for the oppression, of the people. That, I believe, lies at the root of every reform in the Turkish Empire. With reference to the imputations of bribery which have been so freely made, I believe they refer much more to the past than to the present. I do not deny that these things exist; but I believe that of late public opinion, contact with Europe, and the dread of exposure, have had a salutary effect upon Turkey, as they have in every other part of the world. What really is the great evil at the present time is the utter disorganization of society in many parts of Asia Minor, owing to the want of sufficient force to restrain the predatory habits of the nomadic tribes—and that fact ought to be borne in mind. It has been pointed out that the Porte has not kept all its promises; and that is true; and it is a fact which will justify us in employing every diplomatic opportunity in our power with a view to having those promises carried into effect. But the Porte has one simple answer, which in every part of the world has been always held to be conclusive—it cannot spend money which it has not got to spend. Where there is no money, not only Kings, but diplomatists, lose their rights. When that happy time comes that political pressure can have its due effect—when the wounds of a cruel war are healed—when Armies can be disbanded and expenditure reduced—when men can be enabled to go back to their fields, and produce again those crops from which only, after all, the Treasury can be supplied—when the blessings of peace shall have taken the place of the horrors of war—then the period will have arrived when the reforms which we all desire to see carried out can be

introduced. You tell us that it ought to be done sooner. I tell you that a war, so terribly disastrous as the late war has been to Turkey, must be succeeded by a time of disorganization, of weakness, of inability to carry out reforms—of evils, which are not peculiar to Asia Minor. I remember reading lately, in reference to Asia Minor, an article in which it was said that there was a famine in many parts of the Empire, but that the real famine was a famine of men. Men were drawn from all parts of the Empire to defend its frontiers; and, surely, no one can blame the Turkish Government for having had recourse to such a measure—no one can be surprised that a considerable time must elapse before those terrible wounds are closed. I have, my Lords, insisted on those circumstances, in order to bring before you the injustice of expecting from a prostrate, half-ruined, distracted Empire such as Turkey is at the close of a war in which she has been so terribly defeated—the injustice of expecting from her, in her circumstances, the activity which it would be a good deal to require of a Christian and civilized country in the height of its prosperity. I do not at all allude to them for the purpose of insinuating that we should not be eager to do our utmost to get rid of misgovernment, or that our earnestness in pressing upon the Porte the necessity of reforms should be at all abated. My noble Friend has mentioned one case which shows that our diplomacy has not been altogether idle. He mentioned the case of Zeitoun, in which great efforts have been made to remedy the evils that are going on. With respect to Armenia itself there has been a Commission issued, and it is sitting to inquire into the reforms to be introduced. It is composed of statesmen not inferior to the average of the statesmen of the Turkish Empire—but it does not go fast; nothing Turkish I ever knew did go fast; and that is one of the qualities of the people which I am afraid no politics and no diplomacy will change. But the Commission has been issued, and is proceeding to do its work. My noble Friend has said that there is no Christian upon it; but he is wrong in that, as there is one Christian on it—an Armenian—and I do not believe that these Commissioners are in any way inferior to the average run of the statesmen from whom they have been chosen.

We have taken some precautions—of course, they have not begun to bear fruit yet—to enable our pressure to act upon the Turkish Government with more effect. We have improved machinery; our Consular staff in Asia Minor has been considerably increased, and we shall be able to bring to the knowledge of the Turkish Government abuses that exist and of which it is not fully aware, and so help to bring about a more rapid and effectual remedy. I only wish to add this—that, while in all our endeavours to obtain those reforms we uphold, and shall continue to uphold, the Sovereignty of the Sultan as the centre and symbol of the only authority that exists or can exist in the Turkish Empire, I must, on the other hand, say that we have always found in the present Sultan a most earnest desire to wipe out those abuses which are a reproach to his Government—a desire which, as far as I can judge from the study of written documents, I believe to be absolutely and genuinely sincere; and that such a belief is also entertained by Sir Henry Layard is well known to your Lordships. I can only, my Lords, conclude as I began. I repudiate any responsibility for the acts of the Turkish Government. It is the Turkish Government, not the English, which is bound to introduce reforms. But, while I repudiate that responsibility on the ground of any written stipulations, I do not repudiate the higher responsibility which comes from the consideration of policy and duty. We feel the duty earnestly; I believe we have acted up to it steadily; I believe we shall do our utmost to act up to it in the future, and do all that diplomacy can to abate the existing evils and to produce those salutary changes by which alone the Turkish Empire can be maintained.

THE EARL OF MORLEY said, the noble Marquess repudiated all responsibility for the acts of Turkey in Asia Minor. This seemed a most remarkable doctrine, when they considered the Treaty of Berlin and the Convention with Turkey. As he understood, the object of the noble Earl (the Earl of Carnarvon) in bringing forward this Motion was to show that, to a considerable extent, England had become responsible for the good government of Asia Minor; while the noble Marquess

limited their responsibility to diplomatic action, and said they had done their best to obtain the performance of the promises made by the Porte.

THE MARQUESS OF SALISBURY: I said it would be no use to apply diplomatic action in the hope of curing what was inherent in the nature of the people.

THE EARL OF MORLEY had been much surprised at the contrast between the speech they had just heard from the noble Marquess and his vigorous despatch of the 8th of August last year, which embodied a most comprehensive scheme of reform for the Christian subjects of the Porte. Now, what were our responsibilities towards Armenia? The Armenians had a distinct claim upon this country in two distinct documents—the Treaty of Berlin and the Convention with Turkey—we had made ourselves responsible for the good government of Armenia. The expressions used in the Treaty of Berlin were that—

“The Porte agreed to carry out without delay the improvements and reforms demanded by local requirements in the Provinces inhabited by the Armenians;”

and it gave a guarantee for their security against the incursions of the Kurds and the Circassians; and it further promised “periodically to make known the steps taken to secure those results” to the Powers signing the Treaty. He would like to ask the noble Marquess the definition of two terms; what did the words “without delay” mean? A year had passed since the signature of the Treaty; but were we to wait for another year or so, or to look forward to a still more distant future, when the finances of the Porte were in a satisfactory condition, before any attempt was made on the part of the Porte to redeem its promises? Then, again, he desired to know the meaning of the word “periodically;” and, whether, in accordance with its undertaking, the Porte had given the noble Marquess any account of its efforts in the direction of reform, and, if not, whether any of the Powers had taken action in consequence of the abandonment of those efforts. In common with other Powers, we had taken responsibility on ourselves, and, so far, there was a fairly exact parallel between the existing Go-

The Earl of Morley

vernment and that which succeeded the signature of the Treaty of Paris; but the celebrated Anglo-Turkish Convention, on which the noble Marquess's speech had thrown so much cold water, made it impossible to trace a further resemblance. We were solely responsible, according to that document, of which the words were as explicit as possible. The fact was, the Government had taken a responsibility upon themselves which they now found it impossible to carry out. What view did the noble Marquess take of the Treaty and Convention? Were they merely formalities? Now, there were four points to which the noble Marquess had called the attention of the Porte—and the first of these was the importance of a well-officered *gendarmérie*. The Porte, however, had replied that there was no money available for the purpose—an answer not likely to raise unduly the hopes of the population of Asia Minor. Next, the noble Marquess had urged the desirability of creating Central Tribunals, under the direction of European lawyers; and had been answered that such a change would interfere with the Sovereign rights of the Porte, and that, moreover, no Europeans understood the Turkish vernacular. The third recommendation of the noble Marquess was that the collection of the revenue should be reformed, and that the system of tithe should be abolished. To this demand a simple *Non possumus* had been returned. The despatch concluded with the admirable advice that the tenure of office by the Governors should be for a fixed period, and during good behaviour; and the Porte thereupon enlarged on the difficulty, not to say the impossibility, of finding competent and upright functionaries. It came to this, then—that when the noble Marquess insisted on four cardinal points of reform, the Porte merely replied that it had neither money nor upright functionaries; and that at present was the sole result, as far as Armenia was concerned, of the Treaty of Berlin and the Anglo-Turkish Convention. It seemed to him that the responsibilities we had undertaken were very grave, and that we had accepted them under a miscalculation of the means at our disposal; but, at least, they were solid and still existing engagements. It was surely not too much for

the noble Earl, all the circumstances considered, to ask for evidence of the desire of the Porte to fulfil its promises. The fact was that, after all the promises that had been made, after all they had heard about "peace with honour," the whole arrangement had turned out no better than a sheet of waste paper.

EARL GRANVILLE: My Lords, the noble Earl the Prime Minister told us last week, with some pathos, as an excuse for your Lordships' House not meeting before 4 o'clock, that some difficulty had more than once been experienced in getting his younger followers to take a sufficient interest in such a question even as the Zulu War. My Lords, it is not the custom to follow a speaker on your own side of the House; but I must rise to express my surprise that a speech so deserving of an answer as that of my noble Friend who has just sat down should be allowed to pass unnoticed by noble Lords opposite. At the same time, I can quite understand the unwillingness of the Members and supporters of Her Majesty's Government to discuss the question which has been raised to-day. However great may have been the success claimed for the Turkish Convention when it was made public, I am afraid that after a year's reflection noble Lords on the other side do not care to discuss or defend the policy of that Convention. I cannot help feeling that the case of the noble Marquess with respect to this question is one of very great difficulty. The other day he candidly admitted that reforms in Asiatic Turkey could not be carried out without money, and that there was no money to be had. To-day he has told us in Latin, what we have all been constantly insisting on in English, that reforms are not compatible with the character and habits of the Turk. But, may I ask, were these facts perfectly unknown when the Convention was made—when we took upon ourselves these formidable engagements? Ought we not to have known when we undertook them that it would not be in our power to see them carried out? Were not Her Majesty's Government perfectly aware that Turkey had just passed through an exhausting war, and that she was in a state of utter bankruptcy? Under these circumstances, it is scarcely conceivable that they should within the past 12 months have come to view the governing capacity of the Turk in an altogether new

light from that in which they viewed it when they undertook these engagements. The Chancellor of the Exchequer, when he last spoke on this subject, took a hopeful view of the condition of Asia Minor, owing to what he considered the extraordinary success which Her Majesty's Government had achieved in the matter of reforms in Egypt. Well, when we are in possession of the Egyptian Papers which have been promised us we shall be able to judge whether the success of Her Majesty's Government in Egypt has been as great as the Chancellor of the Exchequer seems to imagine. But I entirely agree with him in thinking that there is a great deal of connection between this Turkish Convention and the progress of affairs in Egypt. I will not here stop to discuss the acquisition of Cyprus, which I, for one, have always held, and still hold, to be neither a politic nor a creditable act. Nor will I comment upon the joint action of this country with France in regard to the affairs of Egypt further than to say that, in my opinion, it would be very unwise in our statesmen to sacrifice in the slightest degree the perfect independence of this country. What I wish to observe is that if Her Majesty's Government have been able—whether following France and Germany, or being followed by them—to bring such pressure to bear upon the Sultan as to make him dismiss the Khedive for not having carried out reforms which the Sultan himself has entirely neglected in his own dominions, surely some similar concert of European Powers might force the Turks, say, to appoint Christian Governors in Armenia, to abstain from carrying off every shilling of tribute from the country, and if they would not defend the inhabitants of Armenia from the attacks of the Kurds, at all events, to allow these inhabitants to take some measures for defending themselves. I am perfectly certain that if Her Majesty's Government were to take energetic measures in that direction, in concert with other European Powers, they would to a great extent mitigate, if not altogether abolish, the horrors which have been described by the noble Earl who introduced the subject, and which have been so freely acknowledged by the noble Marquess.

Motion (by leave of the House) *withdrawn*.

limited their responsibility to diplomatic action, and said they had done their best to obtain the performance of the promises made by the Porte.

THE MARQUESS OF SALISBURY: I said it would be no use to apply diplomatic action in the hope of curing what was inherent in the nature of the people.

THE EARL OF MORLEY had been much surprised at the contrast between the speech they had just heard from the noble Marquess and his vigorous despatch of the 8th of August last year, which embodied a most comprehensive scheme of reform for the Christian subjects of the Porte. Now, what were our responsibilities towards Armenia? The Armenians had a distinct claim upon this country in two distinct documents—the Treaty of Berlin and the Convention with Turkey—we had made ourselves responsible for the good government of Armenia. The expressions used in the Treaty of Berlin were that—

“The Porte agreed to carry out without delay the improvements and reforms demanded by local requirements in the Provinces inhabited by the Armenians;”

and it gave a guarantee for their security against the incursions of the Kurds and the Circassians; and it further promised “periodically to make known the steps taken to secure those results” to the Powers signing the Treaty. He would like to ask the noble Marquess the definition of two terms; what did the words “without delay” mean? A year had passed since the signature of the Treaty; but were we to wait for another year or so, or to look forward to a still more distant future, when the finances of the Porte were in a satisfactory condition, before any attempt was made on the part of the Porte to redeem its promises? Then, again, he desired to know the meaning of the word “periodically;” and, whether, in accordance with its undertaking, the Porte had given the noble Marquess any account of its efforts in the direction of reform, and, if not, whether any of the Powers had taken action in consequence of the abandonment of those efforts. In common with other Powers, we had taken responsibility on ourselves, and, so far, there was a fairly exact parallel between the existing Go-

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EARL GRANVILLE: My Lords, the noble Earl the Prime Minister told us last week, with some pathos, as an excuse for your Lordships' House not meeting before 4 o'clock, that some difficulty had more than once been experienced in getting his younger followers to take a sufficient interest in such a question even as the Zulu War. My Lords, it is not the custom to follow a speaker on your own side of the House; but I must rise to express my surprise that a speech so deserving of an answer as that of my noble Friend who has just sat down should be allowed to pass unnoticed by noble Lords opposite. At the same time, I can quite understand the unwillingness of the Members and supporters of Her Majesty's Government to discuss the question which has been raised to-day. However great may have been the success claimed for the Turkish Convention when it was made public, I am afraid that after a year's reflection noble Lords on the other side do not care to discuss or defend the policy of that Convention. I cannot help feeling that the case of the noble Marquess with respect to this question is one of very great difficulty. The other day he candidly admitted that reforms in Asiatic Turkey could not be carried out without money, and that there was no money to be had. To-day he has told us in Latin, what we have all been constantly insisting on in English, that reforms are not compatible with the character and habits of the Turk. But, may I ask, were these facts perfectly unknown when the Convention was made—when we took upon ourselves these formidable engagements? Ought we not to have known when we undertook them that it would not be in our power to see them carried out? Were not Her Majesty's Government perfectly aware that Turkey had just passed through an exhausting war, and that she was in a state of utter bankruptcy? Under these circumstances, it is scarcely conceivable that they should within the past 12 months have come to view the governing capacity of the Turk in an altogether new

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Motion (by leave of the House) *withdrawn*.

INLAND NAVIGATION (IRELAND)—
(LIMERICK TO BELFAST).

OBSERVATIONS.

THE EARL OF LEITRIM rose to call the attention of Her Majesty's Government to the Inland Navigation of Ireland (Limerick to Belfast), and to the Report of the Committee of Inquiry into the Board of Works, Ireland, so far as it affected that system. The inland navigation of Ireland was one of the utmost importance to the development and to the prosperity of the trade of that country. Last year, a Committee of the House of Commons inquired into the constitution of the Irish Board of Works; and one of the subjects to which the attention of that Committee was directed was that of the inland navigation of Ireland and its financial condition, and how far it was available to traffic. The system might be said to be divided into five sections, of which he proposed to refer to two—namely, the Ulster and the Ballinamore Canals. The Ulster Canal came into the possession of the Board of Works in 1865. After much discussion the Board determined to improve the navigation, and for this purpose they obtained a grant from the Government of £17,000; but, although this sum and more was spent upon it, matters were as bad as they were before. The principal defects were, an insufficient supply of water, and a great amount of leakage, by which the water in the canal was constantly drained away. One of the questions which came before the Committee was that of the insufficiency of water. This point was brought more particularly under their notice, by reason of a meeting of canal owners, carriers, &c., who passed a resolution declaring that the want of a sufficient supply of water in the Ulster Canal prevented the regular course of traffic along its line. That being brought before the Government, they could either take it in hand themselves or appoint a Committee to inquire into the subject. The question of the insufficiency of water was gone into before the Committee; and the Commissioner of Public Works, in examination, maintained that the water was sufficient for the amount of existing traffic; while, in answer to the questions, he stated that traffic was almost *nil*. At the time the resolution was passed at the meeting he had referred to it was summer, and

the water was very low, and the reply did not come from the Board of Works until the winter. Six months afterwards when, owing to the rains, there was more water in the canal, the reply was to the effect that there was sufficient water in the canal. It was stated in evidence before the Committee that there was no complaint of the depth of the water, and that in face of the meetings held to protest against it. He contended that the development of the traffic along the canals would tend greatly to reduce the price charged for carriage along the railway lines of Ireland. There were many instances where canals were running in direct competition with the Railway Companies. If the canals were put into a proper condition, he had no doubt it would prove remunerative, and would contribute very much to the advantage and prosperity of the whole of Ireland. The Ballinamore Canal was in a peculiar position, because it was a junction canal, and joined the northern navigation with the Shannon. The repair of those canals was the cheapest way of opening up the country and developing trade, for the canal could be put in working order for about £8,000 at the outside. The Ballinamore Canal was formerly in the hands of the trustees of the four counties through which it passed; but it was subsequently handed over to the Board of Works, and at that time one of the Commissioners stated that his future policy in regard to the canal would be to "wait and see." He could not conceive a more disastrous or unbusiness-like policy, and trusted the Government would take up and decide this very important question.

LORD HARLECH said, the history of that question was one of those matters which had gained for the Irish Board of Works the character of being the most inefficient and unpopular public body in Ireland. There had been great waste in the construction of the canals, for the estimate was £132,000, while the cost incurred was £228,652. This excess arose from the fact that, instead of putting the work to contract, day-labourers were employed without proper supervision, with the result of completely demoralizing labour. One bridge which had cost £1,100, he had been credibly informed could be built as well for £300. So much for the

past. As regarded the future, he was not sanguine enough to believe that any return for many years could be expected on the past outlay; but he saw no reason why such a moderate outlay as that suggested by his noble Friend for the purpose of opening the entire length of the canal from Belfast to the Shannon should not do more than cover the costs of maintenance. However, the indirect return in the shape of developing the resources of the country was the legitimate view to take of the question. The turnpike trusts failed to give a good return to those who advanced their money; but the country through which they passed were benefited to an inestimable extent, and this case of the canals might be considered parallel. Under such circumstances, he hoped the Government would take up and deal with the matter.

THE DUKE OF RICHMOND AND GORDON said, he could not be expected to follow the noble Lord into all the details of the matter which he had referred to, nor should he enter into a discussion on the merits or the demerits of the conduct of the Irish Board of Works. He quite admitted that the question raised by his noble Friend was one of the greatest importance in connection with the opening up of that portion of the country with which he was connected. His noble Friend seemed to take a much more sanguine view of the relations of railways and canals in Ireland than was taken by the Committee who sat on the subject, because they said that the competition by canals was so small that it was scarcely appreciable. On the other hand, there was a direct argument against the canal navigation. They said that there was the indisputable fact that whatever might be the cost the enormous outlay already made on them had hitherto produced little or no result—they had proved nothing but a complete failure; while the navigation had a deleterious effect on the drainage of the country by forcing it beyond its proper level. It seemed to him that if this matter was to be dealt with in a manner to be to the advantage of the public it should be dealt with as one complete and regular system of through traffic. To put a portion of the navigation in a perfect state while another part was in the condition described would be of no use. His noble Friend suggested that the Government should take up the matter

and put the whole of the navigation into a complete state—that they should lay out whatever sum of money was necessary for that purpose, and so carry on the work which had hitherto been done partly by trustees and partly by the Board of Works, and which at present had led to unsatisfactory results; or else that the Government should inquire into the matter and see whether anything could be done to improve the present system of navigation. Without going into minute details, he would say that it was quite obvious that it must be shown to the Committee that the system could be put into a proper state for a sum which might be considered reasonable; and they would also have to ascertain whether, if put into that condition, there would be any reasonable prospect of its being not only a paying concern, but also that it would be a benefit to the district. What he had to say was, that the Government had in contemplation the appointment of a Committee to inquire into the subject. He hoped the Committee might be able to report that the restoration of the canal referred to would be likely to produce the effect which his noble Friend had suggested, and whether it would be possible to put it in that condition with any reasonable hope of success. He trusted the answer would be satisfactory to his noble Friend.

ARMY ORGANIZATION—REGIMENTAL COMMANDS — OVER - REGULATION MONEY.—QUESTION.

LORD TRURO asked the noble Viscount the Under Secretary of State for War, Whether lieutenant-colonels upon half-pay who have been restored to full-pay to command regiments under the new system of five years' tenure of command are entitled, upon their retirement, to their over-regulation money, if they have not already received it from their regiments? On the answer he received would depend whether he should call further attention to the question hereafter.

VISCOUNT BURY: This is a matter of importance, and I may satisfy the noble Lord's mind by saying that the officers will not suffer pecuniarily under the new system. In reply to the noble Lord's Question, I would reply that the decisions on which cases coming under the Question would be decided are detailed in the

Army Estimate Vote 19, G. 6. Generally speaking, it might be said that if an officer retiring from a five years' regimental command has not received any over-regulation, presumably he was not entitled to it; for up to November, 1871, Purchase having been in force, he would have received over-regulation from his successors. There are two exceptions to this, which are defined in the Royal Warrant of 1871. If an officer was placed upon half-pay owing to the reduction of his regiment, or through promotion for distinguished service, he would receive the customary over-regulation money of his rank when he retired to half-pay after the completion of his five years' command; provided always that only one lieutenant-colonel shall be allowed to return to full-pay and retire on these terms each year. But if the officer appointed to a five years' regimental command from half-pay has been placed on half-pay subsequent to the Warrant of 1871, he would receive no over-regulation money. The fact of being appointed to a five years' regimental command would not of itself give him any claim to over-regulation money.

CIVIL PROCEDURE ACTS REPEAL

BILL [H.L.]

A Bill for repealing certain enactments relating to Civil Procedure which have ceased to be in force or have become unnecessary, and for abolishing outlawry in civil proceedings—Was presented by The LORD CHANCELLOR: read 1st. (No. 132.)

House adjourned at Eight o'clock,
to Monday next, Eleven
o'clock.

HOUSE OF COMMONS,

Friday, 27th June, 1879.

MINUTES.]—SUPPLY—considered in Committee—NAVY ESTIMATES, Votes 1, 2, 3.

PUBLIC BILLS—Resolution in Committee—Ordered—First Reading—Partnership * [225].

Ordered—First Reading—Cork Borough Quarter Sessions * [226]; Highways Accounts (Returns) * [227].

First Reading—Supply of Drink on Credit * [224].

Committee—Army Discipline and Regulation [88]—R.F.

Viscount Bury

Committee—Report—Tramways Orders Confirmation (re-comm.) [215].
Withdrawn—Charity Expenses and Accounts * [221].

The House met at Two of the clock.

QUESTIONS.

PRISONS (IRELAND) — LIMERICK
COUNTY PRISON.—QUESTIONS.

MR. O'SULLIVAN asked the Chief Secretary for Ireland, When the Return, ordered by the House on the 28th of April, in reference to the County Limerick Prison, will be laid upon the Table?

MR. J. LOWTHER, in reply, said, that the Return which the hon. Gentleman moved for in April was a Return of the number of prisoners who committed suicide in the County Limerick Prison since the appointment of the present Governor, and also of those removed to the lunatic asylum during the same time. He had no objection to that Return at the time, only he had pointed out that it would have been much better that a date should be fixed, instead of indicating the period in the particular manner set out in the Return. The hon. Member, however, at the time, was unable to furnish the precise date of the appointment of the Governor; and, accordingly, in order to avoid delay he (Mr. Lowther) agreed to the Return in the form proposed; but as he considered it was unjust towards a public functionary, he had given Notice to move a supplementary Return, showing the number of prisoners who were considered by the medical officer insane on their committal, as well as a further Return in reference to the prison, and both would be laid on the Table of the House. He found, on inquiry, that the public functionary referred to bore so high a character that there was no danger of any false impression arising in connection with the matter.

MR. O'SULLIVAN hoped he was in Order in asking the Speaker, Whether it was in the power of any Member of the House to refuse to comply with the Orders of the House?

MR. J. LOWTHER said, he had not at all refused to comply with the Orders of the House; he had merely sought for a supplementary Return himself—

MR. O'SULLIVAN said, that if the Return he had moved for were laid on

the Table of the House he had no objection to the supplemental Return being also granted.

LOWER THAMES VALLEY MAIN SEWERAGE SCHEME—THE SEWAGE FARM NEAR MOLESEY.—QUESTION.

MR. GILES asked the President of the Local Government Board, Whether his attention has been drawn to a Resolution of the Lower Thames Valley Main Sewerage Board (carried by the casting vote of the Chairman at a meeting held on the 18th instant), to apply for a Provisional Order to enable them to dispose of the sewage of the united district upon land near Molesey, in defiance of the vote of this House rejecting that scheme on the 7th of March last; and, if so, whether he proposes to take any action thereon?

MR. SCLATER-BOOTH: Sir, I have seen a statement to the effect referred to in the newspapers, and I have no doubt it is the fact. But I am not aware that the action taken has been in defiance of the vote of the House rejecting that scheme. One of the main arguments which caused the House to reject the scheme was that it would have been within the power of the Sewerage Board to apply for a Provisional Order to carry out their wishes. If such a course be persevered in, the Local Government Board will cause full investigation into the facts to be made before granting the Provisional Order. Should they decide to grant that Order, it will, of course, come before the House, and a full opportunity will be given for its discussion.

SOUTH AFRICA—THE CAPE MOUNTED YEOMANRY.—QUESTION.

MR. WHITWELL asked the Secretary of State for the Colonies, Whether, as the Cape Mounted Yeomanry are not in any way under the Secretary of State for War, they are under the Commander-in-Chief, or under what military commander they are acting; and, whether the Secretary of State for the Colonies exercises control over the Mounted Yeomanry, and if he has inquired whether the statement has any foundation that Colonel Brabant, with a detachment of these men, threw explosive dynamite and fired cannon into a cave occupied by Basutos and their women and children?

SIR MICHAEL HICKS-BEACH: Sir, the Cape Mounted Yeomanry are under the command of the Commander-in-Chief of the Colonial Forces of the Cape. That officer is, of course, controlled by the responsible Ministers of the Colony. The operations in Basutoland have been undertaken solely by the Cape Government, and the pay of the Force does not in any way come out of the fund voted by this House. I should expect to receive—indeed, I have received—some despatches from Sir Bartle Frere, the Governor of Cape Colony, detailing some of the occurrences of this war; but nothing relating to the employment of dynamite under the circumstances mentioned. If I thought for a moment there was any necessity to do so, I should forward a remonstrance to the Cape Government; and if there was any case calling for inquiry, I should direct such inquiry to be made. But I have neither the right nor the wish to interfere with individual officers in the service of the Cape Government.

IRELAND—RELIGIOUS DISTURBANCES IN THE WEST OF IRELAND.

QUESTION.

MR. HOLT begged to ask the right hon. Gentleman the Chief Secretary for Ireland a Question, of which he had given him private Notice. He wished to know, Whether the reports contained in the "Times" of this morning respecting the renewal of outrages in the West of Ireland are substantially correct; and, whether he will take immediate steps to check these outrages, and to procure for the Protestants of Ireland liberty equal to that enjoyed by the Roman Catholics of Ireland?

MR. CALLAN hoped that the right hon. Gentleman, in his reply, would distinguish between what information was obtained from newspapers and what from official sources.

MR. J. LOWTHER: I have not as yet seen the particular newspaper report referred to by my hon. Friend, though I am sorry to say that I have, from official sources, received information to the effect that disturbances are unhappily occurring in that part of Ireland—disturbances originating in some religious feud in no way connected with the other disturbances which have been

that forfeiture of service was in every case a very severe punishment, and required to be very exceptionally guarded against. The right hon. and gallant Gentleman the Secretary of State for War had consented to put very large limitations upon that power; but when a soldier had served 12, or 14, or 15 years, there was no question that forfeiture of his service ought not to take place except under very special circumstances indeed. They could forfeit the service of a younger soldier without doing so much harm, because he had all his life before him; but to the old soldier the forfeiture of all his previous service would only drive him to despair.

THE CHAIRMAN: Does the hon. Member propose to leave out from line 23 to line 26 of Clause 81?

MR. O'DONNELL said, that he moved the rejection of that part of the clause.

COLONEL STANLEY hoped that the Committee would leave these words in the clause, because striking them out would introduce an inconvenient precedent between men who would be liable to forfeit their service under one engagement and the other. It should be recollected that a power had been put in the Bill to enable courts martial to recommend that a man's service should be restored to him. He thought that that recommendation ought to be given in the case of these men; and if they were anything like good men, there was no doubt a recommendation to restore their service would be given. It would be extremely inconvenient to strike these words from the clause.

MR. PARNELL thought the portion of the clause to which attention had been drawn was extraordinarily stringent, and that there was no necessity for it. It practically put men who re-engaged under the risk of losing not only the term of their term of re-engagement, but the whole term of their previous service. A soldier of the Regular Forces, said the clause, who should be engaged, should be liable to forfeit his previous service under the term of his original enlistment. He could not see any justification for such a provision as that in an Act of Parliament. The right hon. Gentleman had justified it by saying that, in all probability, good men would be let off. But this clause only applied to good men,

because it provided that only good men should, on the recommendation of their commanding officers, be allowed to renew their engagements. Why should they be placed under this enormous penalty, of having to serve the whole period of their service over again? The Amendment proposed by the hon. Member for Dungarvan seemed to him to be a very reasonable one, and one which would recommend itself to the sense of the Committee. Unless they heard some argument urged against it on the ground of practical inconvenience, he should thoroughly support it.

SIR GEORGE CAMPBELL was of opinion that the portion of the clause to which attention had been drawn was unnecessarily severe. He did not think that in any case a man who had re-engaged should be placed under the penalty of forfeiting his previous service. This would be a very severe punishment for a man who had served 18 years, and if such a man deserted it would have the practical effect of compelling him to serve 20 years longer.

COLONEL STANLEY remarked, that it did not at all follow that a soldier would be called upon to serve 20 years more, as the hon. Gentleman (Sir George Campbell) had said.

COLONEL ALEXANDER remarked, that if a man had been five years clear of entries on the regimental record-book his former service was restored to him. As he understood the right hon. and gallant Gentleman, he had accepted a proposal to reduce the term of five years to two years. He certainly thought that a man's previous good service ought to be restored to him when he had been two years clear from entries on the record book.

SIR GEORGE CAMPBELL thought it a very improbable and unlikely thing that an old soldier would desert. He thought, however, that it would be desirable to amend the clause. If a man of 20 years' service deserted, it would be very unfair to make him forfeit all his previous good service. He would suggest that the clause should be amended by omitting the word "previous," in order to substitute the word "re-engagement," before the word "service." If that were done, a man who had re-enlisted would not be liable to the forfeiture of his previous service; and, therefore, the punishment would not be

Mr. O'Donnell

so severe as that contained in the clause as it at present stood.

COLONEL STANLEY remarked, that the words "previous service" in the clause would carry both the original service and the service after the re-engagement. It was very improbable that a man who had re-engaged would desert, and the provision was not likely, therefore, to inflict much hardship. But suppose a man deserted after 15 years' service, three of which were under a re-engagement, he did not know whether such a man ought to be liable to forfeit the 12 years' service. He thought the power should be retained, as it stood in the clause, to forfeit the whole of the previous service. No harm would be done by it, because nearly all the men who re-engaged were soldiers of good character, or non-commissioned officers.

SIR WILLIAM HARCOURT agreed with the view taken by the right hon. and gallant Gentleman the Secretary of State for War. Suppose two soldiers were tried together for the same offence; one man might be serving under his original engagement, and the other under a re-engagement. Suppose it were said that the penalty for the offence they had committed was forfeiture of their former service; if this power were taken away, the man who was serving under his original enlistment would forfeit 10 years' previous service, but the man who had entered into a re-engagement would only forfeit, perhaps, three years' service. He thought that it would be unjust that that should be so, and that it was right the Bill should contain a power to forfeit service under a previous engagement, although it might not then be necessary to exercise it.

MR. RYLANDS was not at all satisfied with the argument of his hon. and learned Friend the Member for Oxford (Sir William Harcourt). He should contend that the cases of the two men he had put were entirely different. A man who had engaged for 12 years, and whose term of service had expired, then entered into a re-engagement for a fresh period. But his previous service should be a closed account; and if he engaged himself again, the only period for which he ought then to be liable to forfeit was service under his new engagement. Considering that the right hon. and gallant Gentleman was most anxious to induce

good soldiers to re-enlist in the Army, he trusted he would not press this clause, for it would tend directly to prevent men from re-engaging. It should be recollected that men were at present subject to very heavy punishments for desertion. What he should contend for was that only such service as had taken place under the re-engagement should be forfeited, and that in no case ought they to go back to the other engagement.

MAJOR NOLAN did not think that the hon. and learned Member for Oxford understood that this clause was governed by the previous clause—76. It was argued by the hon. and learned Member that it would be unjust, in the case he had put, to make one man forfeit a long period of service, and the other a short one; and that, no matter whether serving under a re-engagement or an original engagement, a court should have a power to make each man forfeit the same term of service. He should contend that no court should have such power; but that the court should have such power to declare the whole or part of the service to be forfeited which was being served under the then existing enlistment. The right hon. and gallant Gentleman the Secretary of State for War had not consented to put it in the power of the court as to whether a man's service should be forfeited; but he had placed it in the option of the court to recommend a man to the mercy of the Secretary of State, as to whether the whole or a portion of a man's service should be given back to him. That would not be nearly so good for a soldier as the provision that had been suggested, for every court was very much disinclined to recommend to mercy. Therefore, the provision introduced into the Bill would not be nearly so good for the soldier if the power to restore his service were left to the court. He thought they were entitled to divide against this clause, because it provided for the forfeiture of a much longer term of service than ought to be allowed.

MAJOR O'BEIRNE said, that it was very hard upon old soldiers to make them forfeit all their previous good service. The provision was most important, because the crime of desertion was far greater amongst old soldiers than new ones.

SIR GEORGE CAMPBELL repeated his suggestion that the clause should be

amended by substituting "re-engagement service" for "previous service." It ought to be made perfectly clear that no man should be liable to serve for 40 years.

MR. O'CONNOR POWER said, that this section of the clause seemed to him to be a direct discouragement to re-enlistment. Soldiers would not like to re-enlist for a longer term, if, by so doing, they put themselves under the liability of forfeiting all their previous service. He had the greatest possible objection to this section of the clause. He thought that the Amendment proposed by the hon. Baronet would meet the case, and that the Amendment proposed by the hon. Member for Dungarvan (Mr. O'Donnell) should be withdrawn.

MR. PARNELL was also of opinion that the Amendment suggested by the hon. Gentleman the Member for Kirkcaldy would meet the necessities of the case. He trusted, therefore, that the hon. Member for Dungarvan would be willing to withdraw his Amendment, in order to allow that of the hon. Baronet to be moved. He trusted that the right hon. and gallant Gentleman the Secretary of State for War would accept this course. He wished to point out that the cases put by the hon. and learned Member for Oxford proved their case completely. He said that supposing two soldiers were serving, one under an original term of 12 years, and another under a re-engagement term, and that they had committed the same offence, that it would be unjust for one man to forfeit all his previous service, and for another man to forfeit only the service under his re-engagement. But, in reality, the power which was asked for would give the means of inflicting very great injustice on the man who had re-engaged. Such a man, in the case stated, would, for committing the same offence as the other man, forfeit a much longer period of service, for he would forfeit not only the service under his re-engagement, but his original term of service; and the sentence upon him, therefore, would be very much more severe than upon the other. He ventured to hope that the Government would accept the reasonable terms that had been suggested.

COLONEL BARNE hoped that the Committee would have an assurance from the right hon. and gallant Gentle-

man the Secretary of State for War that he was willing to accept the proposal of the hon. Gentleman (Sir George Campbell).

COLONEL STANLEY expressed his willingness to carry out the object of the hon. Gentleman; but thought that it might be done more conveniently by retaining the words "previous service," and inserting after them "during such period of re-engagement."

MR. O'DONNELL begged to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Amendment (Colonel Stanley) *agreed to.*

Clause, as amended, *agreed to.*

Clause 82 (Continuance in service after 21 years' service).

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Amendment *agreed to.*

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COLONEL STANLEY was rather in favour of allowing a man to give two years' notice, and he would be willing to agree to an Amendment to that effect, unless he found it to be practically inconvenient.

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COLONEL STANLEY was rather in favour of allowing a man to give two years' notice, and he would be willing to agree to an Amendment to that effect, unless he found it to be practically inconvenient.

MR. O'DONNELL asked, whether the clause was not specially meant to meet

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the case of non-commissioned officers of long-standing who desired to remain in the Service? The only objection he had to it was that it seemed to him that the provision with regard to non-commissioned officers was too much in keeping with the usual system of non-promotion from the ranks.

THE CHAIRMAN inquired whether the hon. Member for Kirkcaldy had any Amendment to propose, as there was none then before the Committee?

SIR GEORGE CAMPBELL said, that the next Amendment which he wished to move was on page 45, line 29, after the word "reserve" to insert "or a soldier in the reserve whose time has been, or within one year will be, completed." This Amendment was for the purpose of enabling deserving soldiers to extend their service. Many of them knew that men at 50 or 60 might be capable of serving in their own country although not abroad; and, therefore, there ought to be facilities for men in the Reserve to extend their service so long as they were found capable. He believed that in the second Reserve Act a provision of this kind was inserted; and, perhaps, there would be no objection to putting in a corresponding provision in this Bill. The effect of his Amendment would be that a soldier in the Reserve might give notice that he desired, if his commanding officer were willing, to extend his service.

COLONEL STANLEY hoped that hon. Members would not think him hypercritical in saying that he could not accept the words of this Amendment as they stood. This clause related to Army service, and not to service in the Reserve, and a man who had served his 12 years was provided for in another part of the Bill.

MAJOR NOLAN said, that the fact was, this Reserve system had been copied from the Continental system, and when they began to alter it they ought to see that they were not altering it in a manner different from the Continental system. In the French Army, if they kept a man four years in the Reserve, he had to come up again for training. If they intended to keep a man more than six years in the Reserve, some provision ought to be introduced into the Act, by which the Secretary of State should be able to bring up men for a month or two's training. Nothing was more dangerous

than to follow a Continental system, and then to make little changes from it without seeing that they were in the right direction. If a Reserve man was absent more than six years from the Colours there ought to be some provision that the Secretary of State might bring him up for training. The Germans always took care that a man who was absent four or five years from the Colours should be brought up again for training. There was another question—no provision had been made as yet for regiments going abroad. They now engaged men for ridiculously short terms. Formerly, when a soldier was going abroad, he always re-engaged for three years from that time; but that was not now done, and some provision was necessary to meet the case. He trusted that the matter would be attended to on Report.

MR. PARNELL said, a very important question of policy was involved by this Amendment. This clause referred to service in the Regular Forces and not in the Reserve; and if they meddled with the Reserve system, as the hon. Member proposed to do, they would introduce very important alterations. If they gave Reserve men a power to re-engage for an almost unlimited period, they made some very radical and important changes in the Acts governing this whole question. He trusted that the right hon. and gallant Gentleman the Secretary of State for War would not agree to the Amendment of the hon. Baronet.

SIR GEORGE CAMPBELL said, that there was very great difference between the English and the Continental systems; on the Continent the service was compulsory, whether in the Army or in the Reserve, and a limit was fixed as to the liability to serve in the Reserve. In this country, they had to deal with voluntary service only. He quite agreed with the hon. and gallant Member for Galway (Major Nolan); it was desirable, and he hoped it would be provided as part of the system, that a man who should remain in the Reserve many years should be brought up for training in order to refresh his memory. With regard to the point as to one year, he admitted that in Section 81 there might be a question as to the liability for one year. But he did not think that any question could arise upon the present case. If there was any mistake, no doubt it could be rectified upon Report.

lead to considerable inconvenience, if soldiers always had to be discharged when their engagements expired. He thought the question was one which would very properly come under the consideration of the Committee now sitting; and, therefore, he thought it would be best to leave it to be dealt with by them.

MR. PARNELL did not propose to press his Amendment; but he would ask whether this power did not practically give the Government means whereby to keep a man in the Service?

COLONEL STANLEY was not prepared to say that could not be done. As a matter of fact, it was not done, and men were seldom kept beyond the term of their engagement.

Amendment, by leave, withdrawn.

MR. O'CONNOR POWER said, that in consequence of the withdrawal of that Amendment, he would move another Amendment in line 1, page 46, to strike out the words, "may be detained," and to substitute for them, "the soldier may re-enlist in the Service, and his service may be prolonged." He thought that that Amendment would deprive the Government of the power of detaining men who were unwilling to stay in the Service. There ought to be no compulsion; but additional inducements should be given to soldiers to remain. They should not force men to remain in the Service at a time when they were called upon to make greater sacrifices than ever, and the proper course was to offer inducements for them to remain.

COLONEL STANLEY was afraid that the soldier would say, "Save me from my friends!" for the effect of the Amendment of the hon. Member would be that, instead of the soldier being kept, perhaps, for three months or a year beyond the period of his old engagement, he would be re-enlisted for five or six years longer. At the present, at the end of the year a man left the Army; but, under the power proposed to be given, he would, probably, be re-enlisted for six years longer.

MR. O'DONNELL said, that the only objection he could see to the clause, as it stood, arose from the vagueness of the expression "while a state of war exists between Her Majesty and any foreign Power." If something were done to reduce the scope of those words, the

objection of the hon. Member for Mayo (Mr. O'Connor Power) would be removed. As the hon. Member for Meath (Mr. Parnell) had pointed out, Her Majesty was in a continual state of war with some foreign Power. He did not think that any answer had been given to the objection, for while a state of war existed the Government could retain a man in the Service. While they had a spirited Government, with a spirited foreign policy—he was not using the words in any partizan spirit—Her Majesty's Government were nearly always in a state of war, and they could always keep soldiers in the Service after their engagements had expired. At the present moment they had only King Cetewayo to deal with, and he certainly must be a foreign Power, otherwise it would not have been worth while to send 30,000 soldiers against him. They had, a little while ago, the Ameer of Afghanistan; and if the Khedive of Egypt had not abdicated, they, probably, would have had another foreign Power to have dealt with there. It seemed to him that the only course open to them was to omit those words.

Amendment negatived.

MR. O'DONNELL said, that he would move to insert after the words "where a state of war exists," the words "constituting an imminent national danger or great emergency." In that case he thought no one could object to the power given by the clause. If it were necessary, the Government would then be able to keep trained soldiers for a short period in the Service; but they would only be able to do that when great national reasons required it. Surely the Government could not want to take advantage of every petty power in order to retain men in the Army. If they did not want to do so there would be no objection to the Amendment. It should be recollected that they were then passing a permanent Bill, and a power like this would be exercised by every succeeding Government, some of which might be less Constitutional than the present Government.

MR. O'CONNOR POWER thought that there was a great deal of force in the recommendation of the hon. Member for Dungarvan, for if a soldier had arrived at the completion of his service he might be detained, simply because some

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allowing non-commissioned officers who had served for a period of 21 years to have a right to commissioned rank, on passing a qualificatory examination, would be very good. It would not only tend to induce non-commissioned officers to stay in the Army, but it would distinctly increase the efficiency of the non-commissioned body—it would increase the efficiency of the Army generally, by inducing numbers of non-commissioned officers to hold on. It would be entirely in accordance with the spirit of modern times, which set its foot upon class distinctions, and, at the same time, recognized that there must be an educational qualification. The Amendment would not interfere in the least with the provisions of the clause with regard to privates. One very great advantage would be that they would introduce thoroughly experienced men into the commissioned ranks of the Army, instead of having, as was now too frequently the case, only very young and inexperienced men. He did not think there could be any objection to allowing men who had served 21 years with a high character, and who were able to pass a qualificatory examination, to obtain commissions.

THE CHAIRMAN felt himself under the necessity to point out to the hon. Member that the Amendment which he proposed to make did not arise upon the clause under discussion. It seemed to him that it would be more properly raised by moving a new clause. The clause before the Committee was one bearing on the service of soldiers, and the question, what constituted the qualification of non-commissioned officers to have promotion to commissions, would be according to all rules most properly raised by a new clause.

MR. O'DONNELL said, that he readily acceded to the Chairman's suggestion, and he would raise the question by means of a new clause. At the same time, he would reserve himself the right of moving an Amendment embodying this principle, in case of any clause coming under discussion in which it could be legitimately introduced.

Clause, as amended, *agreed to.*

Clause 83 (Prolongation of service in certain cases).

MR. PARNELL said, that this clause was one of a very sweeping description.

It gave the power to continue a soldier in the Service for a year after his term of service had expired. He begged to move an Amendment. The clause provided that soldiers might be kept in the Service for a year while a state of war existed between Her Majesty and any foreign Power, or while the soldier was on service beyond the seas, or while soldiers in the Reserve were required by Proclamation to re-enter upon Army service. He would point out that they might as well give a permanent power to the Government to retain soldiers in the Service, as such a power as this. According to their recent experience, there was a continued state of war between Her Majesty's Government and some foreign Power. He would suggest that some Amendment should be made in the clause by which power should be given to Her Majesty's Government to retain soldiers in any case where they considered it necessary. That would be better than having such a cumbrous clause as this, giving them power to retain in the Service soldiers in the Regular Forces who would otherwise be entitled to their discharge. He should propose to omit from the clause the words "while a state of war exists between Her Majesty and any foreign Power." This clause was more particularly calculated for providing for foreign war rather than for home defence. He thought they might fairly object to give the power to continue Regular soldiers in the Service in such an indefinite way as was provided by the clause.

COLONEL STANLEY could not consent to strike these words from the clause. It was really important to have this power to retain a man in the Service, because it was inconvenient to discharge or to send home a man from a regiment which was on foreign service, and the practice was to keep men for a short time at the expiration of their engagements. So far as he was aware, no objection had ever been raised to this provision, and it was one which the public necessity justified, and public necessity alone.

MR. BIGGAR said, that under that clause a man could be kept in the Service, although not required, if a state of war existed.

COLONEL ARBUTHNOT said, that the question of retaining soldiers after their period of service had expired, in emergency, was very important. It would

year's additional service merely because some irresponsible person in some part of the world chose to make an attack upon a handful of savages, and so create a state of war. Such a state of things constituted, he contended, no justification for giving to the Secretary of State the power which would be conferred upon him by the clause as it stood; and he regretted that the right hon. and gallant Gentleman opposite (Colonel Stanley) did not seem to see his way to accepting the Amendment.

MR. PARNELL said, the Committee did not appear to be very much in favour of the Amendment, and its terms were not, perhaps, the best which could be employed for the purpose of effecting the object which the hon. Member for Dungarvan (Mr. O'Donnell) had in view. It would be better, perhaps, to follow the wording of the Proclamation which was issued on those occasions when the Reserve was called out in times of great national danger. The fact of such a Proclamation having been issued should, in his opinion, be referred to in the clause. But the Amendment, as it stood, was, he thought, entitled to the favourable consideration of the Committee.

MR. O'DONNELL expressed his willingness to withdraw the Amendment, observing that it seemed to be admitted by hon. Members on both sides of the House that the powers which the clause in its present shape would confer were too vague and general, and that they required to be limited. It gave to the Government authority to prolong for 12 months the period of service of a soldier whose time had expired, whenever there was a state of war between Her Majesty and any foreign Power. But Her Majesty was always in a state of war with some foreign Power; while, at the same time, such an emergency might not exist as to justify such an interference with the right of the soldier to his discharge, or to be passed into the Reserve, as the clause would enable the Secretary of State to exercise. He should, however, withdraw his Amendment, in the hope that some Member of the Committee might be able to propose another which would meet the circumstances of the case, and be acceptable to the Government.

Amendment, by leave, *withdrawn*.

MR. PARNELL then moved the omission from the clause, page 45, lines

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38 and 39, of the words "while a state of war exists between Her Majesty and any foreign Power or," with the view of inserting in lieu of them words providing that a soldier, who would otherwise be entitled to discharge, should be detained in the Service for 12 months longer only in cases where he was required for active service. If the words which he proposed to leave out were retained in the clause, it would, he said, be in the power of the Government to detain a soldier in the Service in any part of the world, whether there was a war going on there or not, and whether he was or was not required for active service, simply because we happened to be at war in some other part of the world. The words "while such soldier is on service beyond the seas," immediately followed those which he proposed to omit, and they would give the Government all the power which was really required, although, for his own part, he must say that he should like to have the words "beyond the seas" struck out. The effect of his Amendment would be that a soldier could be detained in the Army for a further period of 12 months after he was entitled to his discharge only in the case of his being required for active service. In that way, provision would be made for giving the Government all the power for which, in his opinion, they could reasonably ask.

Amendment proposed,

In page 46, line 10, to leave out the words "while a state of war exists between Her Majesty and any foreign Power or."—(*Mr. Parnell*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

COLONEL STANLEY said, the power which was taken in the clause was merely intended to meet the exigencies of the Service in time of war. It was a power which it might be highly necessary to exercise in the case of soldiers who were not actually engaged on active service. In the case of a war at the Cape, for instance, it might be of the utmost importance to divert to that part of Her Majesty's dominions troops that happened to be stationed in India, and, instead of sending out drafts to the battalions in India, to retain there for a few months or a year soldiers who would, under ordinary circumstances, be entitled to their discharge. For these reasons, he hoped

the Committee would pass the clause as it stood, and would not agree to the Amendment.

MR. PARNELL thought the right hon. and gallant Gentleman might secure all that he wanted in the matter by the substitution of words providing that a soldier might be detained in the Army for 12 months longer if he was required for active service, for those which it was proposed to omit.

MR. O'CONNOR POWER said, it appeared to him that it would be a foolish policy to draft men from India to the Cape within a few weeks of the completion of their period of service. Soldiers whose period of service was shortly about to expire were, he should have thought, not exactly the class of men whom it was most desirable to employ in warlike operations.

Question put.

The Committee *divided*:—Ayes 192; Noes 16: Majority 176.—(Div. List, No. 135.)

MR. CHAMBERLAIN said, he had no wish to oppose the slightest obstacle in the way of the efficient use of Her Majesty's Forces at a time of national emergency. He was, at the same time, of opinion that the powers which were conferred by the clause on the Secretary of State were too extensive, and that they ought to be limited. He begged to move, therefore, that the following words be added to the clause—

“Provided, That in all such cases the fact of such detention, and the number of men so detained, shall be communicated to Parliament at the earliest possible date.”

He hoped the right hon. and gallant Gentleman the Secretary of State for War would consent to the addition of those words at the end of the clause.

Amendment proposed,

At the end of the Clause, to add the words “Provided, That in all such cases the fact of such detention, and the number of men so detained, shall be communicated to Parliament at the earliest possible date.”—(Mr. Chamberlain.)

Question proposed, “That those words be there added.”

COLONEL STANLEY was quite sure the hon. Gentleman would not have moved the Amendment had he not believed it to be necessary; but he, nevertheless, hoped the Committee would not,

for practical reasons, assent to it. In the first place, the hon. Gentleman asked that Parliament should take cognizance of a matter, which was infinitely small in comparison with the other Business which it had to transact. There were cases, he would point out, in which, in time of war, it might be deemed by the Government necessary to detain men for service in the field or abroad, instead of replacing them by drafts. Men so detained were never, as a matter of fact, kept for more than a year, sometimes only a few months, and sometimes hardly at all beyond the period at which their term of service expired. Taking the matter in a broader point of view, he would say that it was, properly speaking, one of Departmental administration which probably did not affect at any one time so many as 1,000 men. The number did not, in fact, exceed the fluctuations which were, in a single week, caused in the Army, owing to the casualties of life. Under ordinary circumstances, it would not, of course, be necessary to detain men in the Army after their period of service had expired; and he would point out that it could be only after the fact that the retention of their services for a year longer would come to the knowledge of Parliament. Then and there, the conduct of the Minister responsible for the administration of the Department might, if his action was deemed to be open to objection, be assailed; but it would, he thought, be a great mistake for the Committee to interfere in the way proposed by the Amendment on a point which was one, properly speaking, of a purely administrative detail. If the Minister, to whom the power which the clause conferred was intrusted abused it, then let him be displaced. That course could not too soon be taken; but something must be left to the discretion of the Minister in a matter of comparatively minute Departmental arrangement, and he, therefore, hoped the Amendment would not be accepted by the Committee.

MR. CHAMBERLAIN should be sorry to give the Committee the trouble of dividing on his Amendment if, as the right hon. and gallant Gentleman seemed to think, it dealt with only an “infinitely small” matter. As he understood the Bill, however, the right hon. and gallant Gentleman seemed to him to have

under-estimated the effect of the clause, and to be unaware of the enormous powers which he was asking the Committee to confer upon the Secretary of State. The clause would enable the Secretary of State to retain for service at his sole will, while a state of war existed, the whole of the troops who would otherwise be entitled to be transferred to the Reserve; and he could not help thinking that that had not been quite correctly described by the right hon. and gallant Gentleman as an infinitely small matter. He would only add that other War Ministers might not be so scrupulous as the right hon. and gallant Gentleman; and he, therefore, objected to giving them the powers which the clause would confer. Under all the circumstances of the case, he should feel it his duty to press his Amendment to a Division.

MR. O'CONNOR POWER said, he had listened attentively to the reasons which had been given by the right hon. and gallant Gentleman the Secretary of State for War for objecting to the Amendment; and that he could not help thinking the right hon. and gallant Gentleman had altogether failed to meet the position which was taken up by the hon. Member for Birmingham (Mr. Chamberlain). He should like to know in what way the right hon. and gallant Gentleman would be hampered in the discharge of his duties as Secretary of State for War by the knowledge that his conduct would be liable to revision by Parliament? He did not see how the right hon. and gallant Gentleman's authority and power could, in consequence, be in the slightest degree impaired. The right hon. and gallant Gentleman said that it was only after a man had been retained in the Army at the expiration of his period that Parliament would become acquainted with the fact of such retention. He was well aware that that was the case, and that it was seldom Parliament was afforded the opportunity of shutting the stable door before the steed was stolen. But the fear of Parliament and of public opinion might, nevertheless, have some effect on the action of the Government. At all events, it would not be well, in his opinion, to relinquish the power of control which Parliament ought to have in the matter; and, looking at it from that point of view, the Amendment of the hon. Member for Birmingham appeared to him to be a

very judicious one, and one which was entitled to the favourable consideration of the Committee.

MR. ASSHETON CROSS said, the power which was intended was one of a comparatively trivial nature, and was practically the same as that which was already vested in the Secretary of State with regard to recruiting. It was the duty of the Secretary of State for War to see that there were a certain number of men in the Army, and it was necessary that he should be able, especially at a time when the country was actually at war, to meet the fluctuations of the Service by taking upon himself the responsibility of detaining men in the Army for a period not exceeding one year after the period of their service had expired. The real question was, whether it was wise and right that the Secretary of State should have that power under the circumstances contemplated in the clause? It might be of the greatest importance that he should be able to exercise such a power at a particular time, and a matter of the kind ought to be left to the discretion of those by whom a great Department was administered; otherwise, what could be the use of having such an officer as the Secretary of State for War?

MR. RYLANDS was sure the right hon. Gentleman who had just sat down must have mistaken the object of the Amendment. He had had the pleasure of supporting the Government, a few minutes previously, by voting in favour of giving them certain powers which, no doubt, they would exercise on their own responsibility; but all that those who were in favour of the present Amendment asked was, that after those powers had been so exercised, Parliament should be informed of what had been done. The matter, so far from being a trivial one, was one which affected something like one-twelfth of the whole Army. The power which was conferred by the clause was, therefore, a very considerable one; and he might point out to the Committee that he held in his hand a Return precisely of the nature of that for which his hon. Friend the Member for Birmingham now asked. On looking at that Return, he found stated there the terms of the re-engagements and retentions for the Service for the year 1877; and it was quite evident that the Government could lay on the Table of the House a similar Return, giving full in-

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but the question with which the Committee had to deal was the powers which the clause, if passed in its present form, would confer upon a Secretary of State. The clause would give very extensive powers indeed. It would enable the Secretary of State for War to prolong the period of service of all the Regular soldiers of the Army for a year. That was a very great power, and one which might be used by a Minister to increase the number of men in the Army very materially. He did not mean to say that the present Secretary of State for War would do that; but other Ministers had used the powers with which Parliament intrusted them very extensively. In a recent case, in which it had been decided that the Crown could not call out the Volunteers on foreign service, the Lord Chancellor gave a contrary decision, and the Volunteers were called out. That was a case in which the Act of Parliament was stretched, and he knew no reason for supposing that the present or some future Government might not stretch the clause under discussion in the way which he had indicated. If the Government did not intend to use the clause, what objection could there be to giving the Returns which were asked for? If they did use it, but so seldom that the number of men affected by it was very few, then why should there not be a Return made of that number, in order that Parliament might see how the Government were employing the power which they possessed? Why should they, he would repeat, object to a harmless and necessary Amendment like that of the hon. Member for Birmingham? The hon. Member for Horsham (Mr. J. Brown) had referred the Committee to the Mutiny Act; but he would remind the hon. Gentleman that the Committee were engaged in discussing the present Bill, because it had been found necessary to alter that Act. He would now ask the right hon. and gallant Gentleman the Secretary of State for War, whether it would not be possible for him, under the operation of the clause, to exceed the number of men serving in the Army authorized by the Mutiny Act? Indeed, the right hon. and gallant Gentleman admitted that it would; and, therefore, the Committee was entitled to ask that the power which the clause would confer should be limited. But as the Secretary of State

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for War had declined to accept any suggestion which had been made with that object, he hoped he would, at all events, assent to the proposal that Parliament should, from time to time, be informed what use the Secretary of State might make of the clause.

MR. O'DONNELL should like to know how, unless some provision were made in the clause for the purpose, Parliament was to obtain the knowledge which would be necessary in order to enable it to revise the action of the Government in the exercise of the power which the clause would confer upon them? If a Question were put in that House as to the number of men who were detained in the Army after the expiration of their period of service, did not the experience of hon. Members show that an answer might be returned to that Question which would leave the questioner just about as wise as he was before he put it? Suppose the hon. Member who asked the Question, having good reason to believe that the Secretary of State had misused the power with which he was intrusted, was dissatisfied with the answer of the Minister, was he to move the adjournment of the House in order to express that dissatisfaction? Hon. Gentlemen sitting below the Gangway on the Ministerial side of the House had given only very recently those who sat opposite to them a severe lesson for presuming to be dissatisfied with the answer of a Member of the Government. Well, if an hon. Member proceeded in that which the occupants of the Ministerial Benches would, no doubt, consider the most unexceptionable and legitimate way, and asked the Government to grant him a day for the discussion of a matter which involved the question of the misuse of the power intrusted to him by the Secretary of State, the probable reply would be that the Government had so much precious Business of their own to transact, and could not possibly set apart a day for the disagreeable purpose of calling in question the conduct of the military authorities. How, then, could the action of the Secretary of State be revised by the House, seeing that the production of the necessary information was not made obligatory by the clause, and that the Government had got such a thick-and-thin majority at their back? Hon. Members knew very well how the supporters of the Ge-

formation as to the number of men who might be detained in the Army for one year under the operation of the present clause. The right hon. Gentleman the Secretary of State for the Home Department had spoken of the question as being one of Departmental administration; but it was a well known fact that behind the Secretary of State for War there were permanent officials who controlled, to a greater extent even than the occupants of the Treasury Bench, the administration of the Army.

MR. J. BROWN hoped the hon. Member for Birmingham would withdraw his Amendment, which seemed to him (Mr. J. Brown) to be useless. The power which the clause would confer was exactly the same as was given by the 11th Article of the Mutiny Act. The hon. Member for Birmingham looked upon the question raised by his Amendment as being a very important one; but he did not concur in that view. If it really was a very important one, due Notice of the Amendment ought to have been given, and it ought to have been placed upon the Notice Paper, so that the Committee might have had time to consider it. He ventured to think, however, that the matter was not of that great importance which the hon. Member seemed to suppose; and he entirely concurred in what had been said by the right hon. and gallant Gentleman the Secretary of State for War with respect to it.

MR. O'CONNOR POWER said, he never knew an instance in which an hon. Member had pronounced so decided an opinion as the hon. Gentleman who had just sat down had done as to the merits of a question which was being discussed in that House, without advancing the slightest argument in support of that opinion. The hon. Gentleman had referred to the Mutiny Act, had made a few gestures in the direction of the Treasury, and had, in that off-hand fashion, disposed of the question—*quod erat demonstrandum*. Such a style of argument was absurd. The hon. Member for Birmingham asked that Parliament should be furnished with such information as would enable it to revise the action of any of the military authorities by whom the number of men serving in the Army might be needlessly increased, and neither of the right hon. Gentlemen who addressed the Com-

mittee from the Treasury Bench had touched the real question at issue. The right hon. Gentleman the Secretary of State for the Home Department wanted to know of what use a Secretary of State for War could be if he were not intrusted with such a power as the clause would confer? But he would remind the right hon. Gentleman that the Amendment before the Committee would not, if carried, deprive the Secretary of State for War of that power. The Committee was, however, asked by the Government to go further, and to be silent while they were denying to the House of Commons the power of revising the action of the Secretary of State. It was absurd, in his opinion, to attempt to convince the Committee that the clause was a right and proper one by arguments so fallacious as those which had been advanced in support of it.

MAJOR NOLAN said, it would be an extraordinary innovation to introduce into the proceedings of the House in Committee that every Amendment which was proposed should be placed on the Notice Paper, as the hon. Member for Horsham (Mr. J. Brown) seemed to think it should be, before it could be discussed. It was only two or three days before that the Government had postponed two of the most important clauses of the Bill without having given the Committee any Notice whatever of their intention to do so. That was not simply a case of moving an unexpected Amendment, but of withdrawing from discussion provisions constituting the very essence of the Bill, when hon. Members had come down to the House prepared to discuss them. If the Committee was taken by surprise on the present occasion, the last person to complain should be the right hon. Gentleman the Secretary of State for the Home Department, seeing what a surprise he had given the House on the previous Wednesday.

MR. PARNELL should like to know why it was that the Government declined to give Parliament information which it was clearly entitled to have? Why should they refuse to say in what way they proposed to work the clause? The right hon. and gallant Gentleman the Secretary of State for War had, indeed, told the Committee something as to the way in which he intended to work it

quential Amendment arising out of that which had just before been moved by the hon. Member for Meath (Mr. Parnell), and which had been rejected. If the right hon. and gallant Gentleman the Secretary of State for War was correct in thinking that the Amendments related to an unimportant matter, he could not see why the right hon. and gallant Gentleman so strongly objected to it. It could, in that case, do no harm, while there would clearly be no unfairness in bringing forward a harmless Amendment without Notice, so that it could not justly be held to be open to the objection which had been raised by the hon. Member for Horsham, who appeared to think that the Amendment would be useless, because it was simply intended to obtain information from Parliament. That was a doctrine which he should not be surprised to hear enunciated by an hon. Member sitting on the opposite Benches; but he was, he must confess, somewhat astonished that an hon. Gentleman sitting on the Liberal side of the House, especially after the experience which the House had of recent events, should think it was a serious objection to an Amendment that it was meant to secure information for Parliament. He was disposed to give the right hon. and gallant Gentleman who now filled the Office of Secretary of State for War every credit for desiring to take Parliament into his confidence; but he could not forget that not long since troops had been brought from India to Malta without any previous information having been given to Parliament on the subject. He did not propose by his Amendment, however, to impose upon the right hon. and gallant Gentleman so great a duty as would be implied in the necessity of furnishing Parliament with information in a case of that kind. All that he asked was that Parliament should be enabled to know to what extent the power which was conferred upon the Secretary of State by the clause under discussion was exercised. It was quite absurd to say that the powers of the clause were trivial and unimportant. In the first place, it was perfectly competent for any Secretary of State for War to increase the Army under the clause without giving Notice to Parliament. And, again, it was very likely to happen that the Secretary of State for War might, on his own motion, break

what was practically a contract with one-twelfth of the Army, and that without the knowledge of Parliament either before or subsequently to the change. He would only add, in final answer to the hon. Member for Horsham (Mr. J. Brown), that he should be quite prepared to withdraw his Amendment, be it important or unimportant, whenever important reasons were given for its rejection.

SIR GEORGE CAMPPELL drew the attention of the Secretary of State for War to the term "active service," in page 46, line 11, which was, doubtless, an error in the drafting.

COLONEL STANLEY was under the impression that the term should be "service" only, and would have it corrected.

Question put.

The Committee divided:—Ayes 60; Noes 206: Majority 146.—(Div. List, No. 136.)

Clause agreed to.

Clause 84 (In imminent national danger, Her Majesty may continue soldiers in or require soldiers to re-enter Army Service).

MR. O'DONNELL certainly did not condemn the provision of this clause which provided, in case of imminent national danger, that there should be the power to require soldiers to continue in or re-enter the Army Service, nor did he object to the provision which required that the occasion of such imminent danger should be communicated to Parliament. But he did object to the provision which allowed Government to dispense with the communication to Parliament, and substitute Proclamation in pursuance of an Order of Her Majesty in Council. He could not help thinking that this provision came down from times when it was very difficult to re-assemble Parliament. At the present time, however, no such difficulty existed, and the first thing Government should do, when a case of imminent national danger arose, if Parliament was not sitting, was to call it together. He was, therefore, of opinion that this should appear in the Bill, instead of the authority to substitute Proclamation in pursuance of an Order of Her Majesty in Council. He, therefore, moved to leave out from line 20, page 46, all the words from "if," down

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vernment flocked into the House when a Division was called, and without having heard a word of the discussion, or without looking to the merits of the case, followed the orders of their Whip and did whatever he told them. Now, any question which might be raised as to the misuse of his authority by the Secretary of State under the operation of the present clause would be sure to be treated in a similar way by the obedient majority at the back of the Government. Therefore, unless it was made obligatory by Act of Parliament that the necessary information should be furnished, neither the House nor the country could hope to obtain it. It was quite clear—and, indeed, it had been admitted by the Secretary of State for War himself—that there might be a great abuse of the power given by raising the number of men serving in the Army to a point beyond that which was sanctioned by Parliament; and, unless that House had some other means of learning to what extent the power had been used, it would be kept in the dark on a most important matter, because the Government would not be likely to supply it with the necessary information voluntarily. The right hon. Gentleman the Secretary of State for the Home Department, coming to the assistance of his military Colleague, began by saying that it was a trivial matter, but ended by saying that it was one which was very important. Now, either of those reasons for asking the Committee to reject the Amendment might be very good, taken by itself; but the two taken together appeared to him to be mutually destructive of one another. He could not understand why the Committee should refuse to give facilities for obtaining information which it was really so desirable to have, not only in the interest of the Army, but of the country. Hon. Gentlemen opposite could not expect to be always in a majority. There might be a Liberal Secretary of State for War one of these days; sooner, perhaps, than they expected; and it was in their interest, as well as in that of those who sat on the Opposition Benches, that the Amendment was moved. He would express a hope, therefore, though it was almost impossible to entertain it, that they would for once break loose from their mechanical obedience to the Government, and support the very reason-

able proposal of the hon. Member for Birmingham.

SIR GEORGE CAMPBELL said, it was quite clear that while a state of war existed between Her Majesty and any foreign Power, and the Reserve was called out by Proclamation, there was necessity for communicating the fact specially to Parliament. There was, however, an essential difference between the wording of the two sections of the clause which he should like to have explained. According to the wording of the 1st section, a soldier, on his discharge, might be detained in the Army after the expiration of his period of service for any time not exceeding 12 months "while he is on service beyond the seas;" but in the 2nd section the words were "on active service beyond the seas."

MR. MORGAN LLOYD wished to know, before the Committee went to a Division on the clause, whether what had been said by the hon. Member for Meath (Mr. Parnell) as to a statement of the right hon. and gallant Gentleman the Secretary of State for War, to the effect that the clause, as it stood, would enable the Government to increase the number of troops in the Army beyond the limit annually sanctioned by Parliament was correct? If so, the matter was one of very serious importance, and the information asked for by the hon. Member for Birmingham (Mr. Chamberlain) ought, he thought, to be communicated to the House. He would call the attention of his hon. and learned Friend the Attorney General to the point, and if there was any doubt about it, he hoped the Government would agree to the Amendment.

MR. CHAMBERLAIN said, that the appeal which had been made to him by the hon. Member for Horsham (Mr. J. Brown) would have been more worthy of attention if it had been couched in different terms. The hon. Gentleman spoke of the Amendment as being entirely useless, and objected to its having been brought forward without Notice. But the hon. Gentleman must be aware that it constantly occurred in the course of the proceedings of the House in Committee that Amendments were moved on the spur of the moment arising out of something which took place during the progress of discussion. The Amendment now before the Committee was a conse-

sary they might be, had been followed with five-sixths of the Amendments proposed to the present Bill. The practice had been going on during the progress of the Bill to a very inconvenient extent, and he did not think it fair that Amendments should be brought up in the way referred to. The hon. Member who had just sat down said that the clause would enable Government to re-enlist men for the term of their original enlistment—that was to say, for 12 years more, without the control of Parliament. But was this a thing which could be done in the dark? He (Sir William Harcourt) knew perfectly well that Parliament would have the knowledge of what was going on; and if it should be of opinion that enlistment ought to go beyond the four or five months that had, perhaps, elapsed, it would say so when the Estimates were brought before it. Therefore, he was unable to see that any practical grievance existed with regard to the clause, and he was quite sure that had the hon. Member for Dungarvan (Mr. O'Donnell) looked into the matter a little further he would not, upon the spur of the moment, have proposed this Amendment. The clause which was now before the Committee, as well as a number of those which followed it, had been fully considered when the Enlistment Act of 1870 was passed; and, that being so, he asked whether the Committee ought to go on discussing them so minutely, and trying to alter Acts which had been so fully considered, and so recently prepared, as the Army Discipline and Regulation Bill? He entreated the Committee to leave the enlistment clauses alone, and allow them to pass.

Mr. PARNELL thought there was a great deal of force in what had been said by the hon. and learned Member for Oxford (Sir William Harcourt) with reference to the particular Amendment before the Committee; because he did not see how, if it were accepted, Her Majesty could be placed in a position to deal with a great national emergency, if it was necessary to wait until Parliament was summoned before the Reserves were called out. It might happen, although it was not very likely, that the country was about to be invaded; but, in that case, it would be known beforehand what was going to occur, because it would be necessary to get together ships, as well as soldiers and sailors. The kind of

national dangers and emergencies, however, likely to arise, was something like the sending over to the Bosphorus last year, when the hon. and learned Member for Oxford had taken up an entirely different position from that which he held on the present occasion. At the time referred to, the objections to the Government policy of not consulting Parliament were pointed out by the hon. and learned Member, and by his right hon. Associates, in the most able and eloquent speeches; but he was now showing the Committee that the control of Parliament could not possibly be availed of. Anyone, of course, was at liberty to change his opinion, and he had no objection to a change of opinion on the part of the hon. and learned Member. The clause, in his opinion, gave power to Government to enter into war, and to put troops into the field for the purpose of carrying it on, without consulting Parliament; and it was of great importance to consider this power, because it was well known that Government could always find money for the purpose of war. For instance, how were they carrying on the war at the Cape? They had long since spent the money voted, and yet they were still going on with it. Again, how were they bringing home the troops from India? There must be many ways by which Government could get money; and, of course, when once war had been entered upon, the country was obliged, so to speak, to stick to them. These considerations had, no doubt, been present in the mind of the hon. Member for Dungarvan when he proposed his Amendment; but he (Mr. Parnell) could not help thinking that there might arise a time when it would be of great importance to the country to have the power contained in this clause. He was afraid the Committee would have to leave these powers to the Government, great as they were, and possibly to be used, as they might be, in such a way as to avoid consulting Parliament until, at all events, the mischief had been done. He was quite sure that the progress of the Bill had not been delayed by his not putting his Amendments on the Paper, although he pleaded guilty to having omitted to do this. Had he put all his Amendments on the Paper, they would have been much more numerous than those which he had proposed to the Committee. He did not at

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all agree with the hon. and learned Member for Oxford that, because the Enlistment Act was passed in 1870, when none of the opponents of the present Bill were in the House, that imperfections, when they were found, should not be amended. The Government themselves had shown that there were imperfections in the Bill, because they had introduced several Amendments into it; and, besides, while the hon. and learned Member was absent from the House, the Committee had passed several Amendments of a beneficial character which were not on the Paper, because they were obviously useful and important. As far as the present Amendment was concerned, he thought it would not be wise for the hon. Member for Dungarvan to press it to a Division, because it would, if adopted, limit the power of the Crown in cases where there might be real emergency and danger.

MR. O'DONNELL could not conscientiously withdraw his Amendment. He quite agreed with the general tenour of the remarks of the hon. and learned Member for Oxford with regard to the Amendments of hon. Members; but, somehow or other, a custom had grown up of leaving very little time for placing Amendments on the Paper. The Amendment which he had just moved had been in his mind for some time; he could assure the hon. and learned Gentleman that it did not occur to him on the spur of the moment, and it had been his impression that it would receive the enthusiastic support of the Liberal Party, because he thought that it was the very objection which had been brought against Lord Beaconsfield's policy, that he always embarked the country in foreign expeditions and afterwards came to Parliament. He did not think that objection had ever been raised in the House with so much eloquence and effect as on the front Opposition Bench. He felt a little disappointed at the change which had taken place in the opinion of the hon. and learned Member, and thought that, inasmuch as the front Opposition Bench now deliberately agreed that the matters in question ought to be settled without consulting Parliament, it should be taken note of that they gave up nine-tenths of the contention which it had been raising against Her Majesty's Government for the last three years.

On this ground he trusted that, although he might have given a little trouble by raising the present question, he should deserve the thanks of Her Majesty's Government for the brilliant vindication of Lord Beaconsfield just elicited from the hon. and learned Member for Oxford. The hon. and learned Member had said that any person must see premonitory symptoms for months and weeks before an attack was made upon this country; but he (Mr. O'Donnell) wanted to guard against the possible chance of a Government being in power which would regard a trifling emergency, such as picking a quarrel, as a reason for calling out the Forces to guard the honour of the country, and afterwards for coming to Parliament and saying—"Our Army is in the field, our flag is waving, and will true-hearted Britons open their purse-strings?" Of course, he well knew that true-hearted Britons would pay, and the Government would be supported. He wished the Amendment to be put to the Committee, but did not intend to proceed to a Division.

Amendment negatived.

Clause agreed to.

Discharge and Transfer to Reserve Force.

Clause 85 (Transfer of soldier to Reserve when corps ordered abroad) *agreed to.*

Clause 86 (Discharge or transfer to Reserve).

MR. O'DONNELL could not see why the distinction was drawn by this clause, in regard to a free passage to the United Kingdom, between soldiers who wished to be sent home and those who were permitted to stay at the place where they were serving at the time they became entitled to their discharge. He, therefore, intended to move to leave out the words "not afterwards have any claim," in line 18, page 47, in order to insert the words "equally entitled." Why should the Government not pay the passage of men discharged abroad, who, thinking they saw a chance of earning a livelihood at the place where they were discharged, wanted to remain, but who were afterwards obliged to come home to the United Kingdom? Why should the Government pay the passage of the man who came home immediately,

and not that of the soldier who came back in six months? He thought the Government ought to accept his Amendment.

COLONEL STANLEY hoped he should not be considered discourteous in asking the Committee not to accept the Amendment. Under this clause a soldier had a perfect option, when discharged abroad, either to come home or, at his own request, to stop where he was serving. He held it would be perfectly monstrous to say that a soldier should have the power at any time to come down upon the Government for a passage, say, from the Cape. The clause was perfectly well understood by the men; there had been no complaint as to the operation of it, and he trusted it would be accepted by the Committee without alteration.

MR. BIGGAR held that the operation of the proposed Amendment would be beneficial to the Government. It was well known that a number of men would try their chance in the Colonies; but, having no option in the case, they were simply obliged to come home, rather than stay with the risk of having to pay the whole cost of the passage home to the United Kingdom. While, on the one hand, it could not possibly end in loss to the Government, it would be a great advantage to some of the discharged soldiers that they should be able to get a free passage home after remaining for some time in the Colonies.

Amendment negatived.

Clause agreed to.

Clause 87 (Delivery of soldier on discharge with his wife and child at workhouse, or of dangerous lunatic at asylum).

MAJOR NOLAN said, the principles contained in this clause were rather connected with the Poor Law of the country than with military questions. The clause dealt with lunatic soldiers, and provided what was to be done with them after discharge from the Army. Under the provisions of the clause, a lunatic soldier, with his wife and children, were to be sent to the parish in which the soldier was born. Now, he considered that a very unfair arrangement; and he proposed, instead, that a lunatic soldier should be sent, if possible, to the place at which he spent

the last 12 months before his enlistment. There seemed to be a general feeling in the House that when a man had spent a certain portion of his life in a particular parish, that parish should provide for him. The principle, that when a soldier became a lunatic he should be maintained at the expense of any particular parish, appeared to him doubtful. He should have thought that a lunatic soldier ought to be maintained out of monies voted by Parliament, under the Army Estimates. He begged to move the insertion, in line 38, page 47, after the word "to," of the words—

"Any parish in which the soldier has resided at any period before his enlistment for twelve months; but, supposing the parish in which the soldier has last spent twelve months cannot be ascertained, then to any parish in the United Kingdom where he appears by his attestation paper to have been attested."

MR. ASSHETON CROSS regretted that the Amendment had not been placed on the Paper, for then he would have had an opportunity of consulting with his right hon. Friend the President of the Local Government Board on the subject. He would suggest, not that they should postpone the clause, but that the hon. and gallant Gentleman should withdraw his Amendment, leaving the Government to consider the matter before the Report, as this matter would require some communication between the two Offices.

MAJOR NOLAN replied, that if the Government held out any hope that they were going to accept the principle of his Amendment, he was perfectly willing to postpone it till the Report. He did not care about the words of his Amendment at all; but the principle was a very simple one—one which ought to be discussed in Committee.

MR. SCLATER-BOOTH observed, that there were practical difficulties in the way of carrying out this Amendment; but there would be no difficulty in making the power of removal conform to the general law.

MAJOR NOLAN stated, that he proposed the Amendment from his recollection of the right hon. Gentleman's speech on another Bill, when the question of the removability or irremovability of paupers was being discussed. He then suggested that a man who had resided 12 months in a parish should have a claim on that parish. He (Major Nolan)

Mr. O'Donnell

now proposed the same law in regard to soldiers. If, however, the right hon. Gentleman would pledge himself to move something of the same sort in better words he should be very happy to withdraw his Amendment.

MR. SCLATER-BOOTH said, that in discussing the question of the removability of paupers he might have suggested a 12 months' limit; but this suggestion, which had to do with the removability of lunatic soldiers, was another matter. It might be a very serious hardship to carry out the proposed rule.

MR. O'CONNOR POWER thought the appeal made by the hon. and gallant Gentleman (Major Nolan) might be granted without any fear of coming into collision with the existing law. He did not think the right hon. Gentleman was accurate in saying it could not be carried out. He remembered very well all the discussions which had taken place in the present Parliament on the question of poor removal, and he remembered that one point suggested was the difficulty of proving that paupers had not come over from Ireland a short time before and quartered themselves on English and Scotch Unions. There could be no such difficulty in determining the case of the soldier, for his previous career was known, and they could always determine the parish in which he had claim. There was always a difficulty in settling what general claim a man had, and it had often been complained by hon. Members representing sea-ports on the Western coasts of England that if the Law of Removal were altered, greater facilities would be given to the Irish to come over and quarter themselves upon those parishes; but about the soldier there could be now no doubt at all of the general claim he could establish; and he would ask the Committee what would be more likely to discourage recruiting in the Army than to find a soldier lame or blind coming home and resting in the work-house of his native place, where all his friends were, and that the fact should be known that, after giving his life and his liberty to his country, he had come back as a burden on his native parish? He thought that the present system was a very great hardship, and that a principle should be laid down of sending a soldier to the parish in which he

was attested and recruited. In all probability he had been previously in that parish for some period, devoting himself to industrial work, which gave him a claim upon the community. He should listen with very great respect to any arguments of the right hon. Gentleman; but, surely, he did not mean to contend that men travelled long distances in order to be attested. Men would not go far to seek a recruiting sergeant; and he did not think there was any part of England in which they need go far to find one. Therefore, he maintained that the place in which a man was recruited was that on which he had a claim for relief.

MR. MUNTZ did not think this proposal would be at all fair. Men very often went into a parish and enlisted there, and it would be very hard to throw the burden in that case on that parish. He would suggest, however, that the clause did require some alteration.

MR. SCLATER-BOOTH offered, if the Amendment were withdrawn, to consider whether anything could be done in the matter; but pointed out that the term "settlement" had, by recent legislation, been altered so as to be equivalent to "a status of irremovability."

MR. PARNELL remarked that the position in which they found themselves was a very good example of the inconvenience resulting from the steps taken by the President of the Local Government Board to settle this very important question of the removability of paupers. This clause was brought from the old Mutiny Act, and it embodied all the old imperfections of the law; and yet they were now asked to accept it when there was an easy way out of the difficulty. He was not sure whether the right hon. Gentleman had moved for the Committee of which he gave Notice on this subject. He was told that there was a Committee sitting on this question, and they ought to put off deciding until that Committee had reported. Any delay which might arise was certainly not the fault of the Irish Members, but of the Local Government Board, for this question had been repeatedly brought before Parliament and they had been put off with excuses; and, finally, instead of the grievances which undoubtedly and admittedly did exist being remedied, they were put off with

a Select Committee. If they were to save any time, he did not see how they could take any other course than that of postponing the clause. It raised questions of the greatest magnitude, and it was impossible to deal satisfactorily with it until they knew the intentions of the President of the Local Government Board with regard to the general legislation concerning the removability of paupers. They were asked to send a lunatic soldier to a workhouse. That was not a proper place for him. If he was to go anywhere he should go to a lunatic asylum, provided at the expense of the State; and he should not be maintained at the expense of the parish in which he was attested. As it was pointed out, the soldier might have only been there a very short time. The right hon. Gentleman offered to consider the Amendment on the Report; but that Amendment only raised one of the questions contained in this clause, and it would be far more satisfactory to wait for the Report and then to consider a matter of this magnitude. He really would ask the right hon. Gentleman to consent to the postponement of this clause, especially as he had postponed several others, and they would then have an opportunity of ascertaining the views of the Local Government Board. The right hon. Gentleman must have some views. Did he propose to wait for the Report of the Select Committee? If that was so, what was the good of going on now? In reality, the Report was not required at all, for these grievances existed and were patent to everybody. They had occurred over and over again, and large expenses in consequence had been thrown on the rates for the maintainance of soldiers who had passed the best portion of their lives in Her Majesty's Service. He remembered, several years ago, a work which interested him very much, called *The Soldier's Daughter, Wife, and Widow*. It referred to the Crimean War, and the end of the story was that the girl finally became chargeable to the parish. It certainly was a very fair finish to the gallant services the soldier rendered that, after his death, his wife should be left a pauper. But was it not more ignominious that he should be himself left chargeable to the parish after his own services with the Army, because he had the misfortune to become a lunatic?

Mr. Parnell

There were many other imperfections in this clause, which he would not detain the Committee over at this time; and he hoped the Government would accept his proposition, as otherwise they might be engaged in a discussion which must be most protracted and difficult. He begged to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

Mr. SCLATER-BOOTH did not at all say that this clause should be postponed in order to insert fresh words, but in order to make the removability of soldiers identical with the removability of paupers. His object would be to make the removals exactly in accordance with the existing law. He should be very glad if the Committee which was now sitting on this subject had reported before. They were certainly making progress. He was surprised at what had been said, when he remembered that his Motion for the Committee had been blocked for two months by a Notice of objection given by the hon. Member for Meath (*Mr. Parnell*). He also wished to correct a mistake. The practice of the Service was to retain these lunatics in the hospital, and only when over-full were they removed to their parishes. That was the existing practice, and, no doubt, it would be continued.

Mr. CALLAN said, within the last 12 months he had brought under the notice of the Department the case of a soldier not born in Ireland; but who, having served 28 years in India, became a lunatic and was sent to the parish of Dunis. Complaint was made, and the correspondence was on record. The notice of the Government was called to the subject by the late Member for Cork (*Mr. M'Carthy Downing*); and he was informed by that hon. Member that he was received with but scant courtesy, and no notice whatever was taken of his letters and representations. He added that his experience was that the practice as described by the right hon. Gentleman was not carried out.

Mr. ASSHETON CROSS said, he did not think the statement of his right hon. Friend had been thoroughly understood. His statement was to the effect that a Committee was now sitting to decide this point; but, in the meantime, he was

perfectly willing to frame the clause so as to provide that soldiers should be treated in the same way as any other pauper lunatics. When the law was altered, of course this law would be brought into accordance with it.

MR. PARNELL wished to make an explanation with regard to the charge made against him by the right hon. Gentleman (Mr. Sclater-Booth). That charge was that for two months he had blocked his Motion on this subject. If that was so, it was entirely unknown to him. The circumstances of the case were shortly these. When the right hon. Gentleman placed his Notice on the Paper, he was of opinion that there was no necessity for the Committee, as the grievance was so thoroughly understood. However, his hon. and learned Friend the senior Member for Limerick (Mr. O'Shaughnessy) being very much interested in this matter, came to him and asked him to withdraw it. He agreed to do so; and shortly after he asked that hon. Gentleman to go to the Clerk at the Table and take the Amendment off the Notice Paper. He said that he would, and he supposed that he had done so; he himself was away in Ireland at the time, and it was entirely without his knowledge that the Notice remained on the Paper, because he supposed that his hon. Friend would have at once executed the commission.

MR. P. MARTIN observed, that there was some misapprehension as to the effect of the clause, and when it was pointed out he thought the Government might, perhaps, accede to the suggestions already made. The clause conferred a new power on the Secretary of State, which, at present, he did not possess. Was it in accordance with the spirit of our laws, or the dictates of humanity, that the soldier who became affected in mind, perchance from exposure on active service, should be liable on his return, if destitute, to be thus arbitrarily sent to his place of birth? His wife and children, too, might be taken from old friends and associations. It was especially unfair to Ireland. Under the Codes regulating the removal of Irish-born poor, the authorities in England were not entitled to send over destitute persons of Irish birth, who had become lunatics, to Ireland. The sending, by the Scotch authorities, of those dangerous lunatics to Ireland had been con-

demned as cruel, illegal, and unjust. Remonstrances had been made by more than one Irish Chief Secretary, in his official capacity, against the practice. Yet, what might be the effect of this section, if sanctioned by the Committee? A soldier born in Ireland, who had left when a child, resided for many years and married in England, then served his country as a good soldier for the best part of his life, could, if he became a lunatic, be sent, with his wife and children, even though they had a settlement in England, to the parish where he had been born. This would be, in its operation, most inequitable and unjust. Why should parishes which furnished soldiers be subjected to those burdens. He would ask the Committee whether the proper course was not to act in analogy to the principle laid down in the Poor Laws, and to let the State which had the advantages of the services of the soldier also provide for him? Why should not the State be charged with the soldier's maintenance? There was not, it was said, at the present time, sufficient accommodation. It might be provided. It was a great hardship, he thought, that this state of things should be allowed to prevail, and it certainly was not retained to the honour of this country. Very often these illnesses were brought on by the services of the soldier to the State, and the State certainly ought to care for his declining years. He was perfectly ready to accept any suggestion from the front Bench, because he was perfectly sure it was well-intentioned; but they ought not to wait for any Report of this Committee, because he knew, as one of its Members, that its Report would be powerless to touch the principles set down in this clause. In its operation the clause would affirm principles more than once rejected by the House. It had been introduced without consideration as to its practical effect; and he did trust that they would have an assurance from the right hon. Gentleman that it would be amended.

SIR PATRICK O'BRIEN said, they were practically creating a new Law of Settlement which did not merely affect broken down men or lunatics who might be discharged from the British Army, but also affected every parish where there was a depôt centre. Looking at this question from another point of view, he

was almost ashamed to find the way in which they dealt with men who had served the country well in tropical climes, and had become mentally affected from no fault of their own, but from the service they had gone through. Yet they were going to treat these men as pauper lunatics. Soldiers who had fought for their country in Afghanistan and Zululand were to be treated as paupers, and made dependent on the eleemosynary contributions of the district in which they were born. He protested against any such doctrine, and maintained that they owed a debt of gratitude to these men for services which could not be discharged in this way.

MR. MITCHELL HENRY said, it was evident this clause would postpone itself, as it was then nearly 7 o'clock. This was a very important question, exciting a good deal of feeling, both inside and outside the House. He hoped, therefore, the Government would make up their minds what qualification they would propose in this clause. The Government ought not, certainly, to complain of obstruction, if they were not prepared, at the next Sitting, to state distinctly what would be done in this matter.

MR. BIGGAR pointed out that the case of a soldier was very different from that of a man who occupied his time in business pursuits. He would like to impress upon the right hon. Gentleman, if he intended to propose an Amendment in this clause, that he ought to have it ready the next evening.

THE CHANCELLOR OF THE EXCHEQUER said, of course, the time had now come to report Progress; but he might say that they were not likely to take this Bill on Tuesday next; their arrangements had been made. If they were able to get the Votes which would be proposed in Supply later that evening, he proposed to go on with this Bill on Monday. If they did not, they must take the Navy Estimates on Monday.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

Mr. Parnell

ORDERS OF THE DAY.

SUPPLY—NAVY ESTIMATES.

Order for Committee read.

MR. W. H. SMITH, in moving that Mr. Speaker do now leave the Chair, appealed to the House to go at once into Committee of Supply, in order that some Votes on the Navy Estimates, which were absolutely necessary for the Public Service, might be taken. He made that appeal without the slightest desire to impede the other Business. The Votes would only occupy a few minutes; and if hon. Members who had Notices on the Paper would postpone their Motions until after the Votes had been taken, his right hon. Friend the Chancellor of the Exchequer would again propose that the House should resolve itself into Committee, in order that the Motions which stood upon the Paper as Amendments to Supply might be proceeded with without delay.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. W. H. Smith.*)

MR. A. MOORE said he did not wish in any way to impede the progress of Business.

MR. CHILDERS thought the course proposed by the right hon. Gentleman was a very desirable one, though it might be unusual. He gave in his adhesion to the arrangement, on the understanding that the Government would undertake to keep a House.

THE CHANCELLOR OF THE EXCHEQUER entirely accepted the duty of keeping a House, and expressed his acknowledgments for the consideration shown for the Government Business on this occasion. He would not have made this request had it not been absolutely necessary, seeing that they were so near the end of the quarter.

MR. BIGGAR asked what Business would be taken on Monday, supposing these Votes were got to-night?

THE CHANCELLOR OF THE EXCHEQUER said, the Army Discipline and Regulation Bill would be taken on Monday.

Question put, and *agreed to.*

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £891,615, Half-Pay, Reserved Half-Pay, and Retired Pay to Officers of the Navy and Marines.

MR. BIGGAR asked, whether it was not the fact that a sum on account of this Vote had not been taken before?

MR. W. H. SMITH replied, that no sums on account had been taken on the Navy Estimates, and this money was required for the half-pay and pensions which became payable on the 30th June.

Vote agreed to.

(2.) £803,920, Military Pensions and Allowances.

MR. CHILDERS said, last Session, and again this, he had called attention to the large increase in the amount of pensions. He wished to ask whether the arrangements the right hon. Gentleman had contemplated were likely soon to come into force, and whether he expected this increase would last much longer?

MR. W. H. SMITH replied, that he hoped the increase would speedily be put an end to. He was glad to say that he had now ascertained that every pensioner who was entitled to draw a pension was liable to be called into active service, if circumstances required it; and, therefore, they had in these pensioners a Reserve Force.

Vote agreed to.

(3.) £301,211, Civil Pensions and Allowances.

House resumed.

Resolutions to be reported upon Monday next.

SUPPLY.

Resolved, That this House will immediately resolve itself into the Committee of Supply.—(*Mr. Chancellor of the Exchequer*.)

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

POOR LAW (IRELAND)—CHILDREN IN IRISH WORKHOUSES.

MOTION FOR A SELECT COMMITTEE.

MR. A. MOORE, in rising to draw attention to the condition of poor chil-

dren in Irish workhouses, and to move that a Select Committee be appointed "to inquire into what steps it is desirable to take to improve the state of children in Irish workhouses," said, that it was a somewhat thankless task to bring an indictment each year against the existing Boards of Guardians in Ireland. He desired, however, at the onset, to say that he was fully sensible of the nature of the efforts of the Poor Law Guardians, and he did not wish to charge them in this matter with any direct or wilful neglect. The system adopted in Ireland in relation to pauper children was capable of great improvement, and his object in occupying the attention of the House at the present moment was two-fold—in the first place, to point out that there was an entire absence of industrial training in the Irish workhouses; and, in the second place, to show the evil consequences of the young children associating with the adult paupers. Now, he had opened a page at random in the Report of Major Trench's Commission, and from the answers given by the clerks to the Guardians in the Unions of Killarney, Listowel, Glyn, Limerick, and New-castle, he found he was fully justified last year in saying that in Ireland there was no systematic and organized industrial training for boys and girls in workhouses. The Chairman of the Committees, in his valuable Report, himself admitted that the defect of the existing workhouses appeared to be the want of a continuous industrial training. What was the consequence of the absence of such a system? On account of the absence of industrial training, the time of the children must be squandered in idleness; because no one could sleep, without prejudice to his health, for more than eight or nine hours, and a child did not receive much benefit if it was kept in school more than four or five hours a-day. The rest of the children's time in the Irish workhouses must necessarily be spent in idleness. He recollected what wonderful results had been brought about by the establishment of industrial schools in this country. The Home Secretary, who took a very practical and lofty view of such subjects, at a meeting recently held at Chelmsford, said that between the years 1856 and 1878 the juvenile criminals of the country had been reduced 50 per cent.

He (Mr. Moore) thought they had every reason to congratulate themselves upon such a result; but he was confident that it was to be attributed to the establishment of correctional institutions, the saving principle of which was the employment of children in some "labour suited to their strength." Much as he valued the Report of Major Trench, he must say that he differed from him in some respects. For instance, he did not agree with him when he said that the results of his inquiries had led him to the belief that very little of the corrupting influence of association in the workhouse prevailed in Ireland; but, certainly, that was not the opinion of other capable and well-informed people. In 1875 the State of New York passed an Act of Parliament absolutely forbidding children to be committed to workhouses between the ages of 3 and 16 years old. The English Poor Law authorities had also made successful efforts in the direction of separating children from workhouse influences; and the Home Secretary had introduced a Bill saying that it should not be lawful to keep a child any longer than three months in any workhouse in Scotland. In spite of the lavish expenditure of the Poor Law system, children and adult paupers were herded together in a most disgraceful manner, two and three in a bed, and even when sick. There was an instance where two children, affected with the itch, were put in the same bed, and this was made the subject of inquiry; but the Committee found nothing reprehensible in the practice, and, to the disgrace of the Medical Profession, the doctor backed that opinion. The other day he visited one of the best-managed of agricultural workhouses, where the contagion of the town might not be expected to have reached, and from which a large number of tramps and paupers would be absent. He saw the school, and, undoubtedly, it bore traces of great care, and it was under the care of a most efficient mistress. He asked her what became of the children after they left her care, and she said there was nothing for them to do but to go to the common day-room, where they would be associated with the worst of the old and young. And the unfortunate thing was that most objectionable persons were appointed to take care of the sick in the hospitals, and for that there was no excuse.

Mr. A. Moore

Another objectionable feature was the early ages at which children were sent out to service. He incurred great odium last year for having, as was then understood, overstated his case when he said that children were sent out to work at the age of eight or nine years. There was evidence then that in as many as 20 Unions there was a habit of sending children of 10 years of age out to work, and never for any shorter period than three months. And what was the supervision which the Guardians afterwards exercised over these children? Why, absolutely none. In America there was a regular visiting agency appointed, and in France there were no less than 30 Inspectors to do this work; but there was absolutely no inspection in Ireland. It was supposed that the unfortunate relieving officer should discharge this duty; but there was small blame to him if he neglected it. What were the results which this system produced? Upon this point he would appeal to the testimony of some of the Clerks of Irish Unions, who, it must be remembered, were salaried officers dependent on the good will of the Guardians for their superannuations; and, therefore, the motive must have been a very strong one which induced them to speak out against the system in the manner in which they had spoken. The clerk of the Ballinasloe Union, whose experience extended over 30 years, said he was convinced that a workhouse was not a good place in which to bring up children, with few exceptions. The Clerk of the Castle-reagh Union stated that, from his experience of workhouse training, he found, as a rule, that children did not turn out well, that they were always lazy, and preferred living in idleness to working. The Clerk of the Naas Union said he had no hesitation in stating, from his experience of 27 years, that a workhouse was the worst possible place that children could be brought up in. The clerks of Kilmacthomas, Dundalk, and other Unions, bore similar testimony to the pernicious effect which the present system had upon children. Major Trench, in reviewing this evidence, thought that it was balanced by reports of a favourable character, which, undoubtedly, had emanated from some of the Clerks of Unions. Major Trench set great value on a Return which showed that of the women who had illegitimate children in

particular workhouses very few had been reared in those workhouses. But the Return really proved nothing, for there was no evidence that those women had not been reared in other workhouses. But he (Mr. A. Moore) must repeat that it was only a strong sense of duty which could induce a number of salaried officials to speak out against the system. There was not the only testimony upon which he had to rely. A gentleman residing in the West of Ireland, who had set his heart upon this question, had issued a circular to workhouse chaplains of all denominations, and had thus collected a very valuable amount of testimony on the subject. A Presbyterian clergyman said workhouses were the worst places in which to train children, and that the national workhouses were cesspools, the general effect of whose atmosphere was fatal to the proper training of children. Another said workhouse training begot a lack of self-reliance; while a third stated that there was nothing in the system to teach children habits of honesty and discipline, and that girls made shipwreck early. The Catholic clergyman of Roscommon said a case could not be made out for continuing the present unsuccessful and pernicious system of training young paupers, and it would be better for the virtuous girl under 18 years of age to starve than to enter a workhouse. Dr. O'Shaughnessy, a relative of a respected Member of that House, said that, owing to the absence of classification, the system was simply demoralizing. There were no means of obtaining accurate official information about children trained in workhouses, for their careers were not traced and registered as was done in the case of children brought up in industrial schools. The question was, what should be done to remedy the state of things to which he had drawn attention? He wished rather to demonstrate the necessity for some change than to advocate any particular reform. He had no hobby in this matter, and was only anxious that some improvement on the present system should take place. He had no objection to the boarding-out system; but it was, he thought, above all things, desirable that they should have a proper and systematic system of inspection. Let the children not be got rid of out of the workhouse, and nothing be known of them in after life.

With respect to orphan and deserted children, he could not see by what argument the State could possibly rid itself of the responsibility which it had undertaken in regard to these children without providing for them in well-managed industrial schools. As to the rest of the children, he would urge that if they had an extension of the system of boarding out, these children should be concentrated in such numbers as would allow of their receiving a proper and adequate training. There were at present 41 Unions in Ireland, where there were not more than a score of boys, and it was impossible to give a proper training to such a number except at immense cost. Major Trench objected to making a change for the small towns; but in some of the agricultural Unions the classification was worse than it was in the larger towns, and the children were less cared for. Two objections were urged, which he would call the fluctuation argument and the separation argument. It was said that the same children were not found in the same workhouse on the same day of two successive years; but this was rather due to the bad system of putting children out for terms of three and six months' service, and bringing them up in idleness, which produced an unwillingness to work. It would, in many cases, be an advantage to the children and to the State that the former should be separated from their parents. In England, pauper children were concentrated in large district schools, in which a variety of pursuits were carried on. The Irish system should be changed, so as to make it not only more industrial, but also more homely, by placing within the reach of the children inexpensive recreations. He hoped that, under an improved system, the odious brand bearing the name of the Union in large letters would be abolished. Hon. Members who criticized the Army and Navy Estimates, considering that those Services cost the country too large a sum, forgot that the Poor Law system of the United Kingdom cost between £9,000,000 and £10,000,000. No one grudged what was necessary to succour classes who were unable to maintain themselves; but the least that could be expected was that this outlay would result in making the younger poor self-supporting and self-reliant when they reached maturity. He narrated the

case of a child, whose father was a tramp, and his mother a convicted felon, and who was born in gaol without knowing either father or mother. The child grew up to manhood, passing his earlier years in the workhouse, and he well remembered how his unguarded career ended on the scaffold. That young man was a type of the orphan and deserted children who were sheltered by the workhouse, where, whatever the care exercised, they were necessarily surrounded by untoward circumstances. How many children now growing into useful members of the community would find better careers if they started with equal disadvantages? It was for these young unfortunates he appealed; for the waifs and strays of the great towns and cities; and he asked the House to give them a chance to start even with the humblest of the self-supporting classes of the community, to enable them to enter the Army and Navy, and to acquire some handicraft. He therefore begged to move that a Select Committee be appointed to inquire what steps it was desirable to take to improve the state of children in Irish workhouses.

MR. O'SHAUGHNESSY, in seconding the Motion, said, that Major Trench and his Colleagues by their labours had very considerably advanced this question, because they distinctly suggested something very analogous to the recommendation of the Resolution. Major Trench's Commission suggested that there should be an inquiry into the condition of the children in Irish workhouses, and the effect upon them of the workhouse training, and it suggested what would aid the inquiries of any Committee of the House—namely, an inquiry, by inspection, of the Local Government Board into the respective effects of the workhouse, and the boarding-out systems. In England there had been a contest between the school and boarding-out systems, ending in favour of the latter. The boarding-out system, favourably as it was regarded in England, was more likely to be highly successful in Ireland, whose population was so largely agricultural leading simpler lives than those of the English people. So strongly had the House been impressed in favour of the boarding-out system that it had passed three successive Acts extending the ages at which it might be carried out. The first fixed the limit at five

years, the second at 10, and the third at 13 years of age. No doubt there were dangers in connection with the boarding-out system, and in Ireland it laboured under a want of inspection. The better classes might provide voluntary aid so as to make supervision complete; but that aid should receive official authorization. Such volunteers might be appointed by the Boards of Guardians, and might come under the sanction of the Local Government Board, and they should be selected with a view to the wishes and religious feelings of the people. Major Trench and his three co-Commissioners pointed out three courses—the district schools, the boarding-out system; and they mentioned, without discussing, the extension of the system of out-door relief. Their Report showed very great danger of the corrupting influences of workhouse associations, and pointed out that of the children in Irish workhouses very few were permanent inmates, the majority being transitory, and the offspring of vicious parents who took them out when it suited their interest. District schools would involve great additional cost, though some of the workhouses might be used for that purpose; but, for his part, he should object to any scheme increasing to any considerable degree the burthens of the ratepayers, the poor rate at present being as heavy as could be borne. On that ground alone the idea might be dismissed as impracticable. The best plan for every reason, and in particular for the moral good of the children, would be to apprentice them to learn trades at the age of 15. It was further suggested that the children should be strictly segregated from the adults, and that a place of industrial training should be attached to each workhouse. Such a scheme was, in his opinion, feasible enough, and would have the advantage of supplementing the three R's in a useful and even a necessary manner. Much difference should be made in the industrial training of boys and girls; the former could be taught in central schools easily enough; but as the duties of female domestic servants could not be learnt in that way, in the case of girls, he wished to see the greatest possible extension of the boarding-out system. As matters at present stood, girls, when they left the workhouse, were not so useful in their sphere of life; and he trusted, therefore,

Mr. A. Moore

the Government, in dealing with the matter, would bear in mind the great distinction which existed between the two sexes. He did not think they ought to be guided by English or Scotch experience exclusively, but that they were bound to pay due regard to the wants of the Irish people, and to the claims of that unhappy individual, the ratepayer. The more modestly and economically a change such as that proposed was begun the better.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire what steps it is desirable to take to improve the state of children in Irish workhouses,"—(*Mr. Arthur Moore*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL COLTHURST was of opinion that in the extension of the boarding-out system would be found the most adequate remedy, and that which would be the most economical for the evils to which his hon. Friend who had brought forward the subject had drawn attention. That system, though fully developed in England, could not be said to be so in Ireland, where it had been adopted by scarcely one-half of the Unions, and by those only to a small extent. Where it had been adopted, however, the result had been found to be excellent. The Chairman of the Cork workhouse said that nearly all the children boarded out were absorbed into the population, many of them being adopted by their foster-parents. The Chairman of the North Dublin Union said the same thing. Some came back, and at 15 they were drafted into the body of the house, and exposed to all its evils, the law making no other provision for them. In the North Dublin Union, where industrial training for boys was well carried out, the master, who had over 30 years' experience, said he would much prefer to see every boy out of the house. If, in addition to boarding out, the Guardians had power to apprentice the children to farmers or to tradesmen on the payment of a small fee, the ultimate disposal of those children who returned to the workhouse would be, in a great degree, secured. He trusted the

Government would accede to the Motion, and grant a Select Committee to inquire what steps should be taken to improve the condition of the children in Irish workhouses, so that the subject might be thoroughly ventilated.

MR. J. LOWTHER: I am bound to say that those who are charged with the duty of dealing with this matter are indebted to the hon. Gentleman (*Mr. A. Moore*) for the manner in which he has brought forward his Motion to-night. The hon. Gentleman has treated the subject with great moderation in a speech replete with information, and marked by great ability. Last year he spoke with great ability on the same subject; but, I venture to say, he was hardly quite so moderate in tone on that occasion as he has been this evening. The reason I venture to assign for this difference in tone is that during the interval a Commission has inquired into the subject, and has reported upon it. To-night he has refrained from such criticisms as he felt it his duty to offer on the last occasion. I am glad to notice this change, and I am disposed to say that most hon. Members who have read the elaborate Report referred to will feel constrained to go with the hon. Gentleman in most of his remarks. I am disposed to agree with most of what has fallen from him. The system he advocates meets, I may say, with general approval. He says, with regard to education, that where it is unaccompanied with industrial training it is almost worse to the children than no training at all—I mean, without conferring upon the child the means of enabling it to acquire a livelihood, and discharge its duty to society in after years. We have heard lately of extravagant expenditure on education under the London School Board, and I largely agree in that complaint, and if anything of the kind could be shown to exist in the establishments now under discussion I would at once admit the necessity for a change; but the charge does not arise with reference to the children in Irish workhouses. The three R's seem to be the utmost, and rightly so, that the Irish ratepayers are called upon to pay for. To poor children especially industrial training is the most important of all, and Major Trench points this out very forcibly. This Report, I need hardly say, is engaging the anxious attention of the Government. I cannot say at this

moment what particular remedies we may be in a position to propose; but I can assure the hon. Gentleman who moved the Motion that the special points in the Report to which attention has been called have not been lost sight of. As to inspection, I think it should be conducted by those who are responsible to the authorities under whom the workhouses are placed, and that the same Inspectors should, if possible, attend to the general management of the children, and not devote their attention to one portion only of the training. As to boarding out, that, I know, is a question on which opinions very much differ; and I can only say that it, with all other matters in the Report, will receive the attention of the Government. I think the hon. Gentleman will not consider it necessary to press his Motion, as the labours of the contemplated Committee have been forestalled, and the attention of the Government has been carefully given to the subject since the hon. Gentleman first brought it under notice. I cannot go into the details of what we may propose; but we think industrial training ought to be combined with elementary education of no very ambitious kind, not going into those branches which are often improperly associated with the education of the young of the poorer classes.

Mr. RAMSAY said, he would not have risen had it not been for the remark that elementary education was thrown away if not accompanied by industrial education. He held that even if education went no further than the three R's it was useful; and he regretted to have heard the right hon. Gentleman (Mr. J. Lowther) suggest that it could be injurious to the children or the State that they should receive the highest possible education. It could never be disadvantageous to pauper children that they should be even highly educated. These poor children should not be reared as if pauperism was their heritage; but should be entirely separated from the surroundings of the poorhouse by a system such as the boarding-out system. This would reduce the number of paupers, and prevent the perpetuation of a pauper class. Nothing could be more detrimental to the character of children than to herd together in special pauper schools, even of an industrial description. They ought to be boarded out amongst industrious and in-

dependent workpeople, and sent to the ordinary schools of the country. In this way they would be absorbed into the general population. He regretted that Her Majesty's Government had not thought fit to grant the Select Committee that had been asked for by the hon. Member.

Mr. SHAW regretted that the answer of the Chief Secretary to the Lord Lieutenant was not more distinct. There was no more important or difficult subject than this of the treatment of pauper children in the Irish workhouses. They were not in such numbers as to facilitate industrial training, such as was given to the children in reformatories. The widest difference was observable between the boys brought up under paid teachers and those trained by men who gave their lives to the work. He thought the Chief Secretary might have held out some hope of the introduction of a measure which would enable the Guardians to give an industrial training to the poor children, his own opinion being that there might be some central institution established, to which a selection of the children from each workhouse might be drafted for industrial training, or the Guardians might be empowered to allow the religious societies to do something more with the youth of the country who formed the raw material of the labour of which it stood in need. They did not make the most of it, and the money spent, if properly applied, would do a great deal more good.

Mr. VERNER agreed that there could not be a subject of greater importance to Ireland than that which was now being discussed; and hon. Members on his side of the House were quite as anxious as hon. Members opposite that the children who were brought up in the workhouses should be properly educated and looked after; at the same time he did not see the necessity for the appointment of a Select Committee on the question after the thorough investigation by the Commission, to whose Report attention had properly been called. He hoped the hon. Member would be satisfied with the discussion which had taken place, and would not press the Motion to a Division. He knew that in the case of the Rathdown Union both the boys and the girls received industrial training to qualify them for respectable employment in after-life.

Mr. J. Lowther

THE O'CONOR DON said, he was exceedingly disappointed at the indefiniteness of the Chief Secretary's reply, which had not made them a bit wiser as to the views of the Government, nor informed them whether it preferred boarding - out or district industrial schools. Upon none of the topics raised by the hon. Member (Mr. A. Moore) had the right hon. Gentleman given the House the slightest information; and he did not know upon what grounds the right hon. Gentleman asked his hon. Friend to rest satisfied with the statement which he had made. The Rathdown Union was a most exceptional one, for there was scarcely another in which anything like such an industrial training was given. It had the advantage of being in the country, and yet corresponding to a Union in a large city, for it had to deal with the pauperism of Kingstown and all the Dublin suburban district. At all events, he thought that the Irish Members were entitled to know in what direction the consideration of the Government in this matter was likely to go. Did the Government intend to propose any alteration in the present system? Did they think it ought to be altered, and would they promise that between this time and next Session they would endeavour to devise means which would improve the existing state of things?

MR. WHEELHOUSE, in supporting the Motion, said, he did not care whether children were in England or in Ireland who really required a reasonably good education to help them to earn a livelihood; for a child depended, especially in the case of Poor Law management, upon others for his education; and he considered that where a child went into a workhouse something ought to be done for him to make him a respectable member of society, and with a view of removing him from the pauper class by making him support himself, and thereby, in all probability, preventing him, personally, from again becoming a burden to the ratepayers. It had been said that either to-day, or to-morrow, or at some future time, something might be done, or something ought to be done, for children of this class; but he was one of those who believed in the necessity of doing something during the present time. What he did want most earnestly was that some

measure should be undertaken by the Government—whether it was an English child or an Irish child did not matter—to place every child in a position in which he would be able to earn his bread for himself. He thought the Resolution, as he understood it, was a very reasonable one. It was to draw attention to the condition of poor children in Irish workhouses—he did not care what workhouses they were—and to move for a Select Committee to inquire what steps it was desirable to take to improve the state of children in Irish workhouses. However a human being who professed a feeling of kindness for his fellow subjects could doubt that such a Resolution ought to be passed he could not imagine. He was aware that very often Resolutions were introduced which were inopportune, and at a time when the subject was not likely to be productive of legislation; but that was not the case with reference to this question. If anything could be done to help the poor children of any workhouse it ought to be done, and there was no reason why they should deny investigation on the point. He did not for a moment say that anything would come out of that inquiry when held. Let relief be asked for most respectfully, and, if necessary, what he would contend for was—that if there was any necessity for investigation, in order to place these children in a better position than they were now, this House, which was the highest tribunal, with the exception of one, in the Realm, should not deny this investigation. He did not care from which side of the St. George's Channel the children came; for he looked upon the three Kingdoms as one, as far as this House was concerned, and he hoped that the House would not use its power to deny that which he considered one of the most reasonable propositions which had ever been laid upon the Table of the House. He asked the Government to look at the large number of children who were not properly educated, and the way in which they were likely to be brought up under the control of the Guardians. In the central institutions, as far as the institutions themselves were concerned, he was quite willing to admit that they did the best they could under the circumstances in which they were placed, and with the powers the ratepayers gave them; but if those powers

were too confined in themselves, or too small to give the necessary education to the children, then it was their bounden duty to see that they were not kept one moment longer on the Poor Law books than was necessary. He thought that this Resolution was one which he hoped would secure better education to children in workhouses. He sincerely hoped and trusted that it would meet with the approval of the House.

Mr. D. TAYLOR expressed his disappointment that the Chief Secretary should have suggested the withdrawal of the Motion. He (Mr. D. Taylor) was of opinion that the appointment of such a Committee as the hon. Member for Clonmel desired would be productive of great good. The Commission was appointed to consider the question of amalgamation of Unions, and they took no evidence from the public in reference to the subject before the House. Had there been any idea that the Commission would have inquired into this subject, there would have been plenty of evidence obtainable. He thought the subject was worthy of the most serious consideration, and he trusted the Government would see their way to give a more definite promise. If they did not do so, he should be glad to support the Motion.

Mr. BIGGAR regretted that the Government should not have promised to redress the grievances complained of by the hon. Member for Clonmel. He was of opinion that had the hon. Member allowed the Government to wait for their vote in Supply, his prospects of obtaining a favourable reply from Her Majesty's Ministers would have been greater. He thought the Chief Secretary had not given the matter the attention it deserved; and as for the statement that it was receiving consideration, they all knew what that stereotyped reply meant—that they should never hear anything more of it.

THE CHANCELLOR OF THE EXCHEQUER said, he did not entirely understand whether the hon. Member for Clonmel (Mr. A. Moore) was disposed to be satisfied with the discussion that had arisen, or whether he still thought that it would be desirable or necessary that a Committee should be appointed. There could be no doubt whatever that the subject to which the hon. Member had drawn attention was one of the very highest importance. They could not

doubt that this class of children to whom the attention of the House was turned was a class that required the most careful attention. It was very well known that they were children who were in the peculiar position of being withdrawn from, or of not having the advantage of, the natural influences of home, which went so far towards the education of most of the young. They knew perfectly well that children placed in such institutions as workhouses—however desirous those who had the management of those institutions might be to do their duty—must lack many of the advantages in the way of education which were enjoyed by children who were living at home. It was most desirable that whatever might be done in the way of the education of these children should not merely be confined to what was called head knowledge, and that everything should be done that could be done to fit them for after-life, and inspire them with a feeling of gratitude towards the place in which their youth was passed. The Government sympathized with the object of the hon. Gentleman, and he could only say that the subject was under the consideration of the Irish Government. He hoped and believed that this would lead to something practical being done. The Chief Secretary had spoken with the sympathy of the Government in assuring the House that the Government were thoroughly anxious to inquire into the subject, and to adopt any measures which they might find to be desirable and possible. He was quite sure that the noble Duke at the head of the Irish Government would be as anxious to promote a good work of this kind as any Member of the Government. The question was, was it desirable or necessary to have a Committee after the recent Report of the Commission, considering that the Report was so recent, and that the matter was engaging the attention of the Government? It would be more convenient not to appoint a Committee at this period of the Session, and he was perfectly ready to promise that whatever measures could be taken would be taken. If the hon. Member for Clonmel, having heard all that had been said, and feeling that his object was one in which they all sympathized, was still of opinion that the appointment of a Committee was important and necessary, the Government would be prepared to concede that, on the under-

Mr. Wheelhouse

standing that it was not casting any reflection on the labour of the Commission; but that they had been looking into a number of questions, and had opened a subject which it appeared desirable should be further prosecuted.

Mr. A. MOORE said, he was happy to accept the offer of the right hon. Gentleman.

Amendment, by leave, *withdrawn*.

Question again proposed. "That Mr. Speaker do now leave the Chair."

INDIA—EMIGRATION OF COOLIES.

OBSERVATIONS.

SIR GEORGE CAMPBELL rose to call attention to the emigration of coolies from British India to the Colonies, which, he said, had of late years greatly fallen off. The reason why emigration of coolies from India was discouraged was, that the Colonies to which most of the emigrants went were practically under oligarchical government, and complaints were made by them of their treatment in our Crown Colonies. Complaints might fairly be made of those Colonies which were not made in respect of our self-governing Colonies; for instance, till recently he believed the coloured races were quite well treated in the Cape Colony and also in Canada. In the Crown Colonies there was a hankering after forced labour, in substitution for the slavery which was formerly relied upon for the cultivation of the plantations.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR GEORGE CAMPBELL resuming, said, in regard to the coloured races in those Colonies everything depended on the Governors; but there had been instances in which Governors who had done their duty by the subject-races had not fared well; and, in other cases, by conniving at the oppression of those races, Governors had earned popularity with the ruling classes and enhanced the success of their official careers. The great abuses that were practised in the Mauritius and other Colonies were matters of fact, which had been placed on record by Royal Commissions. Evil effects were produced on the coolie emi-

grants into the Colony of Grenada, owing to the way in which they were treated by the managers of the estates there.

Mr. SPEAKER said, his attention had been called to the fact that the hon. Member had given Notice on this subject of an Amendment to a Motion which was fixed for the 15th of July. The hon. Member was out of Order in anticipating the discussion on that day.

SIR GEORGE CAMPBELL said, the hon. Member for Longford had given Notice on this subject of a Motion which was fixed for a day some weeks ago. To that Motion he (Sir George Campbell) put down an Amendment. The Motion was not moved on the day fixed for it, and the Amendment had been carried forward by the Clerk as a separate Motion until to-night.

Mr. SPEAKER repeated that the hon. Member having given Notice of an Amendment to a Motion which the House had decided to hear on the 15th of July, he was out of Order in discussing the subject now.

SIR GEORGE CAMPBELL ventured to ask if Mr. Speaker had quite understood what he (Sir George Campbell) had stated. ["Order!"]

Mr. SPEAKER said, he clearly understood the hon. Member's point, and it did not make any difference.

SIR GEORGE CAMPBELL asked, whether he was to understand that he was not at liberty to proceed with the Notice of Motion which he now had on the Paper?

Mr. SPEAKER said, he had already stated that any debate on this matter would be irregular.

IRISH FARMERS—THE "SPENCER SYSTEM."—RESOLUTION.

COLONEL KING-HARMAN, in rising to call attention to the valuable encouragement given, during the last five years, to small farmers in certain districts in Ireland, by the system of rewards for improved cultivation, known as the "Spencer system;" and to move—

"That, as it appears that great benefit has arisen in certain parts of Ireland by the working of 'the Spencer system,' under which small farmers have been encouraged and stimulated to improved cultivation by a distribution of small money prizes for competition, it is therefore expedient that this system should be encouraged

by Her Majesty's Government undertaking to provide official inspection in all cases where individuals, or public or corporate bodies, are willing to provide funds for the carrying out of the system of rewards, more especially as the funds now available from the closing of certain model farms will be more than sufficient to enable this to be done;"

said, that according to Returns which were made a few years ago, half the holdings in Ireland were under an £8 valuation. He did not ask the Government to give any money themselves, but simply to provide a system of official inspection, which should aid those landlords who desired to provide rewards for their small tenants who cultivated their farms with success. The Spencer system had been inaugurated by Earl Spencer during his tenure of office as Lord Lieutenant of Ireland, with the object of encouraging the cultivation of small farms, consisting mainly of bog and heather land in Ireland, and it had been very successful in its operation. The general prosperity of Ireland had not as yet reached the small farmers, who were in want of some encouragement. There was at present a great waste in small farms in that country, both in the matter of cultivation and of gathering in the crops. He had himself visited one of the districts in which the Spencer system had been in practical operation, and he had been most agreeably surprised at the beneficial effects which it had produced. He saw land reclaimed from barren heath, and decent houses standing where miserable cabins formerly existed, with every sign of comfort and contentment among the small farmers and their families; and he had returned from his visit determined to do all he could to promote the extension of the system of small rewards judiciously applied, which had achieved such extraordinary results. As the knowledge of the benefits attending the system was spread among the gentry of Ireland, he believed that many of them would be ready to subscribe the money requisite for applying it to the different districts of that country. He only asked the Government to help in that work by sending down accredited independent men from Dublin to act as official Inspectors in all cases where individuals, or public or corporate bodies, were willing to provide these small prizes and rewards. The funds now available from the clos-

ing of certain model farms would be more than sufficient to enable that to be done. All he asked was that the Government should do something to help them in this matter. There was hardly any object in the promotion of which public money could be more advantageously expended than in furthering the education of the small farmers of Ireland under the Spencer system. No class of men in that country were more in need of help than the poor farmers. A little knowledge would enable them to become prosperous and rising citizens, instead of being a class of men who were despondent and rapidly becoming dangerous. The hon. and gallant Gentleman concluded by moving the Resolution of which he had given Notice.

THE O'CONOR DON begged to second the Motion of the hon. and gallant Member. As he resided in one of the districts to which his hon. and gallant Friend had alluded, and was one of the proprietors who had joined in keeping up the Spencer system after the funds originally provided had been exhausted, he thought it was his duty to say a few words in support of this Motion. He thoroughly agreed with all that had been said by his hon. and gallant Friend as to the advantages to be derived from the adoption of that system. He did not think it necessary to add one word to what had been said, and well said, by his hon. and gallant Friend upon that point; and he wished only to speak upon the particular proposal that he had made with regard to inspection. It was his opinion that this system could not be carried out unless they had some such inspection as had been conducted by Professor Baldwin. He could testify to the advantages that had been derived in his district from that gentleman's instruction, and from the more than official zeal which he had displayed in carrying out that inspection. The success which had attended this experiment was due in a great measure to the exertions of Professor Baldwin; and in the particular district in which he lived it would result in a great loss, and, perhaps, a complete stoppage of the whole system, if the inspection of Professor Baldwin was withdrawn. His hon. and gallant Friend had said that they could not expect the duties of inspection always to be carried on gratuitously by public officials. It

was necessary, if this inspection was to be of any use at all, that it should be provided from a source free from all suspicion—in fact, the inspection to command confidence must be a public one. The amount of money which such inspection would cost was a mere trifle, if defrayed from the fund which his hon. and gallant Friend had alluded to. For these reasons, he had great pleasure in seconding the Amendment of his hon. and gallant Friend.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "as it appears that great benefit has arisen in certain parts of Ireland by the working of 'the Spencer system,' under which small farmers have been encouraged and stimulated to improved cultivation by a distribution of small money prizes for competition, it is therefore expedient that this system should be encouraged by Her Majesty's Government undertaking to provide official inspection in all cases where individuals, or public or corporate bodies, are willing to provide funds for the carrying out of the system of rewards, more especially as the funds now available from the closing of certain model farms will be more than sufficient to enable this to be done,"—(*Colonel King-Harman*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. EVELYN ASHLEY had been very much struck by the very practical speech which had been delivered by his hon. and gallant Friend the Member for Sligo (*Colonel King-Harman*), and perhaps one word from an English Member on a matter of this kind would not be out of place. The hon. and gallant Member had made a proposal, which he considered was a thoroughly practical and good one. They all were very much more convinced by example than by precept; and, from his experience, he could say that that applied with even greater force than usual to the small Irish peasantry. A man might talk to the small Irish farmers until black in the face without any effect; but the example of one of their class would have a very great effect upon them. He might mention that the late Lord Palmerston sent over to Ireland, to the property on which he (*Mr. Evelyn Ashley*) now resided, an agriculturist simply with the object of instructing the peasants, and inducing them to introduce improvements. But,

as everyone was informed, Lord Palmerston's efforts were of small avail, and the peasantry went on in very much the same state as they had before; but when these men saw their neighbours' farms properly cultivated and reaped, and observed the advantages which were derived from an improved cultivation, they would be induced to put their farms in a similar condition. All that was now asked for was that the Government should send down an Inspector to judge between these farms—for the hon. and gallant Member had, with great propriety, disclaimed any intention of making demands upon the public pocket. He could endorse most emphatically, speaking from three years' experience, what the hon. and gallant Gentleman had said as to the little benefit which would result from a system of prizes conducted by an agent, or one connected with an agent, for the Irish peasantry, ever prone to believe in favouritism, would never think the judgment impartial or above suspicion; whereas the decision of a man coming down from Dublin would be regarded in quite a different manner, and would add importance to the distinction obtained. He would only add that the small peasant proprietors were not men to be pitied. He believed that the holders of 8, 10, or 11 acres were well able to live on their land, so long as their rents were not unduly high, and that they were able, and, as a matter of fact, generally did, lay by something. They were, however, very much accustomed to keep in old lines, as the hon. and gallant Member had said, and it was absolutely essential that they should be induced to adopt the improvements of modern agriculture. If they saw a neighbour receive a prize awarded by a Government official for the management of his farm, they would make every effort to do as well, and all the boys and girls would be employed in pulling up the weeds about the place. He hoped that the right hon. Gentleman the Chief Secretary for Ireland would not treat this real Irish demand with disdain, but would think that by a little discretion, and by the adoption of the very practical proposal of the hon. and gallant Member for Sligo, it could be satisfied.

SIR JOSEPH M'KENNA would not have wished to have added one word to the observations of the hon. and gallant

Member for Sligo, but for a remark which had been made as to the want of utility in the Irish Agricultural Department. It was his opinion that very good lessons had been derived in practical farming from the Department at Glasnevin under the charge of Professor Baldwin. Those lessons had been given to the class which were most in need of them, and to the people at large. In addition to the teaching establishment, there was a farm of five acres, worked on a model system, which had produced very surprising results indeed. He would venture to say that one great reason why Professor Baldwin had been so successful in his exertions to encourage a better system was that he was enabled to show to all comers that he was able to produce such results on the model farm as he wished the country people to strive for. Having said this, he would only express his hearty concurrence with all the remarks of the hon. and gallant Member for Sligo. Of what had taken place in his own immediate district in the County Waterford he knew something, and he could say that the system in question had produced most favourable results. He was entirely in favour of the Motion.

MR. MITCHELL HENRY said, that the system of prizes for well-managed farms was in theory a very excellent one; but the best prize that could be given to the Irish tenant farmer was to make him feel that, however much he might improve his position, his rent would not be raised. That was the simple truth, and was the reason why the peasantry did not improve their holdings in the way they ought, for it was the tenant's feeling that his rent would be raised exactly in the same ratio in which he improved his house or his farm. He would go further, and say that within the last 20 years the rent of the greater number of small tenant farmers in Ireland had been raised two or three times. That was the reason why the tenant farmer did not improve his holding in the way he should do. Irish tenant farmers were, without exception, the most industrious people on the face of the earth; but it was true their labour was not always well-directed. They did not like to make any improvements upon their farms or upon their houses, because they were afraid of the landlord or his agent, when he came to look how they

were getting on, seeing that there was some improvement, and raising their rent. They accumulated money, but they did not lay it out upon their farms or upon their houses—they put it in a stocking up the chimney, or sometimes in banks. It was his opinion that until they gave Irish farmers something to hold by, and a conviction was produced in the minds of the people that so soon as they had made improvements their rents would not be raised, no great improvement would be effected. He was persuaded that any system of prize farms was a mere nibble at the question, and would do nothing to gratify the aims and aspirations of those who desired to improve the condition of the peasantry in Ireland.

MR. MACARTNEY believed that if an inquiry were made into the amount of rent paid for land in Ireland, it would be found that the Irish landlords were not such extortionate characters as they were represented to be. The amount of rent paid in Ireland would compare very favourably with the rent paid in any part of Europe. Although there were points on which the condition of the Irish tenant might be improved, yet the tenantry of Ireland would compare most favourably in regard to the conditions of their tenure with the occupiers of land in any part of Europe, and especially in England or Scotland. In Ireland the tenants had advantages which were not possessed in England and Scotland; they had a right to claim compensation for improvements, and in the North of Ireland a right existed which was not claimed in any other country. Therefore, he thought that it was not correct to put forward the case of the Irish peasant as being a very hard one. England, Scotland, and Ireland had been alike suffering from unfavourable seasons during the past three years. But the unfavourable weather was by no means confined to the United Kingdom; it had existed in France, in Austria, in Hungary, and in other European countries. Therefore, when Providence, by the alterations of the seasons, inflicted sufferings, they could not be justly attributed to the proprietors of the land. He thought that the speech of the hon. and gallant Member for Sligo was a very good one, and he hoped that it would make a favourable impression upon the right hon.

Sir Joseph M'Kenna

Gentleman the Chief Secretary for Ireland. The advantages that had been derived from the inspection of Mr. Baldwin were well known to him, and that gentleman was himself a most excellent and thorough agriculturist; and he trusted that either he, or some other person equally well acquainted with agriculture, would be employed in this inspection of farms for which prizes were to be given. He trusted the Government would consider the proposal that had been made a practical one.

MR. J. LOWTHER thought that the House ought to be much obliged to the hon. and gallant Member for Sligo for having brought this subject before it; for, as was well known, he had carried into practice the theories which he advocated. It was well known that his hon. and gallant Friend had done his best with the people amongst whom he lived to carry into effect everything that would induce them to improve their condition and render them better agriculturists. He had done all he could to introduce improvements in agriculture amongst his tenants and neighbours without ostentation and without seeking public aid. And when his hon. and gallant Friend pointed to the results which had been obtained by the Spencer system, and desired that it should be extended, he did not wish the House to put its hand into its pocket for extending the system. He (Mr. Lowther) also was of opinion that excellent as the results of that system were, the State should not be called upon to enter into competition with private enterprise in the matter; but improvements should be allowed to be conducted by those interested. On these points he was sure that the House would be disposed to agree with his hon. and gallant Friend. The question had been raised as to the comparative advantages of large and small farms. That was a point on which he did not wish to enter; he knew that opinions differed very widely on that subject; and whether it was advantageous to erect or to level down banks and hedges was a point which might raise considerable discussion. He thought, however, everyone would agree with his hon. and gallant Friend in deprecating the tendency which, unfortunately, prevailed in Ireland, in common with other parts of the world, to be content with the state of the soil which had always existed, and in no manner to endeavour

to improve it. The hon. Member for County Galway (Mr. Mitchell Henry) had taken that occasion to make some remarks as to what, in his opinion, was the cause of the want of improvement of farms in Ireland. The hon. Gentleman said that the lack of improvement was due to the want of security of tenure in Ireland. He confessed that the hon. Member was so far right, when he called attention to the fact that when a tenant put up permanent buildings, or anything of that sort, he was entitled to security, for the erection of such buildings was not properly the work of a tenant. But, at the same time, it must be remembered that tenant-right customs deterred landlords from embarking capital in the soil. He did not understand his hon. and gallant Friend the Member for Sligo (Colonel King-Harman) to impute, in the terms of his Motion, that improvements in buildings was a matter which should be the subject of rewards to the tenant; but rather that the tenant should be encouraged in the mere cultivation of the soil, which was a very different matter. It had been suggested by his hon. and gallant Friend that the Government should give some assistance in the matter of inspection of farms. There was no doubt that that opened up a question upon which, he thought, most of them would be disposed to agree with his hon. and gallant Friend; and if any reasonable facilities of that kind could be afforded, so far as he was concerned, as he thought it most desirable they should be given, he would do all in his power to provide them. But as to the mode in which the matter could be carried out, it would be necessary to consider the question thoroughly and to take counsel with those who, like his hon. and gallant Friend, had some practical knowledge and experience in such matters before attempting to arrive at any definite conclusion. All he could say was that there was every desire upon the part of the Government to afford every assistance they could to the practical improvement of agriculture in Ireland; for it was to the essential improvement of the agriculture of Ireland that the country must look mainly for any abatement of the evils from which it was suffering.

MR. SHAW said, that he would not have troubled the House on that occa-

sion at all, but for the vagueness of the Motion which had been brought before it by his hon. and gallant Friend the Member for Sligo. The Motion was one of a very mild character indeed; and if his hon. and gallant Friend the Member for Sligo had made the suggestion that Professor Baldwin should be placed in a position to give the country the benefit of his services, he should have been content. But as that had not been done, he must say that, in his opinion, no man was more thoroughly competent for the duties of inspection than Professor Baldwin. He trusted that the Government would be able to place Mr. Baldwin in some position where his services might be available to the country, and he might be properly compensated for them. In a country like Ireland, where the people were so dependent upon agriculture, there could not be a better head for the Department of Agriculture than Mr. Baldwin. He was afraid that what would happen now would be in accordance with what had occurred before. The Government would spend thousands of pounds in directions in which the money was not required; and these Votes were brought before them in such a manner that they could not effect any alteration, and the next year the same thing went on over again. He did not feel inclined to enter into the question of tenant right; although he might say that, however good they might be, there was no doubt that mere prizes would not suffice to raise the condition of agriculture in Ireland. In his opinion, a little undiluted Communism would be about the best cure to be applied for raising the position of Ireland. As to the subject introduced by the hon. Member for Galway (Mr. Mitchell Henry), it would not be honest to him to allow the House to think that the statement made by the hon. Member as to the raising of rents in Ireland was applied universally. He felt very much disposed, indeed, to ask for some Commission to be sent down into those districts where the agitation had been going on; for he thought that by that course they would arrive at the facts of the case. He believed that for 10 or 15 years past rents in many parts of Ireland had been greatly raised, and that would be sufficient justification for agitation, although it would not justify the language that had been used. Espe-

cially in some of the poorest parts of the country would this raising of rents justify the agitation. Speaking of the South of Ireland, and more especially of County Cork, he might say, however, that there had been nothing like a raising of rents; and he believed that most of the tenants had their land at very reasonable terms indeed. He trusted the right hon. Gentleman would comply with the request of the hon. and gallant Member for Sligo, and would make arrangements for this inspection to take place.

Mr. STACPOOLE concurred with every word that had fallen from his hon. Friend the Member for Cork (Mr. Shaw). He trusted that some inquiry would be made as to the amount of the rents, and as to the conditions of the tenants in Ireland; and he thought that it would be found, in the majority of cases, that the land was let at a reasonable rate. The fact was that the agitation had been got up, owing to the depressed state of agriculture, and was not so much against the old landowners as the new landlords, who had bought land and wanted cent per cent for their money. In his opinion, a Commission should issue to inquire into this matter. He trusted also that the Government would agree with his hon. and gallant Friend the Member for Sligo, and would appoint an Inspector; for unless the inspection were to be made by some thoroughly competent person or Government official the prizes would not be valued.

Mr. P. MARTIN agreed with a great deal that had been said by his hon. Friend the Member for Cork (Mr. Shaw); but he trusted he would not be considered to travel outside the terms of the discussion which arose, if he said he could not agree with him as to his statements in respect to rent-raising. Within his own personal knowledge, in the Midland Counties, when the times were good the landlords had, as a general rule, but too frequently increased their rents. In estimating the rise in good times, landlords had looked only to prices, and not to the allowances which ought fairly to be made for the improvements created by the tenants. Now that prices had fallen, it was but fair and reasonable that rents thus assessed should be lowered. He believed a general increase of rents had been

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made on tenants in Ireland. They had now had three bad years in succession, and there could be no doubt that a reduction in rents ought to be made generally by landlords in Ireland. In considering the case of the Irish tenant, it should be remembered that all the improvements that had been made had been made by the capital of the tenant. There was much to be said in justification of the strong expression of discontent on the part of Irish tenants; though he disapproved and condemned many of the expressions so recently made use of at the tenant-right meetings referred to by the Chief Secretary.

MR. SPEAKER: I must point out to the hon. Member that the matter to which he is referring does not come within the scope of the Question before the House. The Question before the House is the Motion of the hon. and gallant Member for Sligo.

MR. P. MARTIN was sorry that he had gone beyond the limits of the Motion. He merely intended to protest against the observations of the hon. Member for Cork being accepted as to the raising of rents being but partial and infrequent in Ireland, and thought the best apology he could make was to sit down.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

ARMY—THE AUXILIARY FORCES— NORTH GLOUCESTER MILITIA.

OBSERVATIONS.

MR. J. R. YORKE, in rising to call attention to the removal of the North Gloucester Militia from Cirencester to Horfield, and to move a Resolution, said, he would touch as briefly as he could upon the various circumstances involved in this matter. He had always understood that the system of local *depôt* centres, which was adopted in accordance with Lord Cardwell's scheme, provided as part of the arrangements that a regiment of Militia should be quartered in the neighbourhood of the *depôt* centre, in order that it should be exercised with the troops of the Line who might be quartered at that centre. He had also understood that the ordinary arrangements were that some 200 men of the Line were quartered in

the *depôt* at the centre, and that substantial buildings were erected for their accommodation, and that extra buildings such as store-room and armoury were provided for the Militia, and that the Militia were encamped in the neighbourhood in order that they should be practised with their comrades of the Line. At Horfield, the place on which the Royal North Gloucester Militia was intended to be removed to from Cirencester, very few of the advantages which were supposed to be part of the arrangements were secured. The field at Horfield was about 15 acres in extent, and consisted of deep *lias* clay, which the weather they had recently had converted into a swamp. The sufferings of the Militia who had been encamped upon it would be related to the House by the hon. Member for Tewkesbury (Mr. Price). There were only 15 acres of land available for the purpose of exercising at Horfield, where the Militia were now encamped, and, at present, there were only two companies of the Line there, consisting mainly of invalids and boys. Therefore, the advantages would not be very great from associating the Militia with their comrades of the Line whom they might find at Horfield. The next objection to Horfield arose from its situation; and he might say it was not upon the main line, but upon a branch of the Great Western Railway, three miles from Bristol. The expense of collecting the Royal North Gloucester Militia from its recruiting grounds to Horfield would be very serious; payment was made to the men by mileage on the railway, and the distance which some of these men would have to travel from their residences was perfectly incredible. It appeared that if men started from Painswick in the morning, it took eight hours to reach Bristol—it was thus a longer journey than from London to Liverpool. From King Compton to Horfield was four-and-a-half hours. Cheltenham was as accessible as any part of the journey, and that occupied two-and-a-half hours. And yet the regiment was not more than 20 miles from any portion of its own recruiting ground. Without local knowledge, it would be impossible to form any idea of the difficulty of collecting men at King Compton and then to proceed to Didcote, thence to Swindon, and thence to Bristol, and, having got there, to start again by

the small branch line to Horfield. In seemed to him incredible that such an arrangement as the removal of the regiment to Horfield could have been made with the full knowledge of the circumstances which it involved. He could only believe that the order which he understood had been issued, not from the War Office, but from the officer commanding the dépôt, had been made without consulting the War Office. He could not believe such an order could have been issued with the full knowledge of the authorities. He had put two Questions to the right hon. and gallant Gentleman the Secretary of State for War upon the subject. The right hon. and gallant Gentleman declined to suspend the order for the removal of the regiment. Therefore, he had no alternative but to take that opportunity, although in the absence of the right hon. and gallant Gentleman, to call the attention of the House to the facts of this case. He would briefly, in the next place, glance at the advantages possessed by the regiment at Cirencester. The county had erected buildings for the Militia at Cirencester at a cost of £150,000, and the accommodation in every respect was most ample and sufficient. There was a covered drill-shed, and Lord Bathurst's Park, which was close adjoining, formed the most favourable drill-ground in England, and was placed at the disposal of the regiment by its noble owner. The regiment, when at Cirencester, could collect from its own recruiting ground by 10 o'clock in the morning and march to any place at that hour. The regiment, moreover, was very popular in Cirencester, and there was no occasion to billet the men. There was a preference register kept of people who provided lodgings at a reasonable rate. He would next refer to the relative effect upon the *morale* of the troops by being quartered at Cirencester and at Horfield. The Royal South Gloucester Militia, after three months' training at Cirencester, had only averaged two defaulters per diem. But when the same regiment went to Horfield, he was informed that every man in the regiment had a mark against his name, except one. That man had since been regarded as a perfect miracle, and it had been found that he resided at Horfield. He had been told that the camp of the Royal

South Gloucester Militia last month, during the whole period of their residence in Horfield, presented a scene of discomfort that was hardly possible to conceive. His hon. Friend opposite would be able to give the House some particulars of what had taken place, and he could state that they had sometimes 80 defaulters per diem. This, therefore, contrasted very unfavourably with the result of their training at Cirencester. He thought he had shown that Horfield was unfavourable for the encampment in several ways, and it must be borne in mind also that the Militia were not always called out in spring, or at a favourable time of the year; but occasions might arise when they might be called out at any other time, and what would be the condition of these men if they had to come out in any unfavourable time of the year? At Horfield they would have to endure snow, and sleet, and wet, under the most distressing circumstances possible, encamped on the blue lias clay field. What would become of what was at present a remarkably fine regiment if that were done he did not know. The result of such management as this was deplorable, and, in all probability, the entire regiment would be broken up next year, for those men who retained their liking for martial life would join the South Oxfordshire or the Warwickshire regiments. He did not suppose for one moment that the present Government were responsible for what had been done. Horfield was invented by Lord Cardwell. There was no reason why certain spots should be chosen, and he did not see any reason why they should be absolutely adopted. The system of selection of these centres seemed to him to have taken certain points, without the least reference to local convenience or railway systems. It might be that the necessity of concentrating the Militia at the dépôt centre was to prevent the inspecting officer having to travel down to another place to conduct the inspection; but it surely could not be very difficult to obtain the attendance of the inspecting officer for once at the head-quarters of the regiment, at a different spot from the dépôt centre. He could see no reason whatever why the present arrangements should be allowed to continue, if any possible harm had been shown to result from them. It was understood that the

removal of the Militia, having been postponed, would not take place, and they had hoped that the evil had passed. He believed that remonstrances were forwarded repeatedly to the War Office, and he was likewise informed that the inspecting officer reported against the removal. His right hon. and gallant Friend the Secretary of State for War said that he was aware that circumstances were not satisfactory at Horfield, but that he intended to make some improvements upon the field of blue lias clay into which it was proposed to empty the Royal North Gloucester Militia. He had not been able to obtain an assurance from the right hon. and gallant Gentleman that the Order would be rescinded. In fact, his right hon. and gallant Friend expressed himself ignorant of the circumstances. In conclusion, all he could say was, that if this order had been made in deference to the arrangements that had been originated under the scheme of Lord Cardwell's Government, he trusted that it would not be thought necessary to sacrifice the welfare of a fine regiment to the supposed necessities of the scheme.

MR. SPEAKER: I must point out to the hon. Member that as he has not given Notice of the terms of his Resolution he is precluded by the Rules of the House from moving it.

MR. PRICE said, that the right hon. and gallant Gentleman the Secretary of State for War had refused to rescind this order; but had promised to go down to Horfield himself to see the condition of affairs. His hon. Friend the Member for East Gloucestershire (Mr. J. R. Yorke) had asked him (Mr. Price) to give some account of his experience of the training of the Royal South Gloucester Militia in the field at Horfield. He did not feel justified in going into details at that time of the night; but he might say, after some 15 years' experience in the Army and in the Militia, he had never seen any such discomfort, and to so little purpose, as occurred at the training of his regiment at Horfield this year. If the House would allow him, he would mention the circumstance that a great deal of wet weather occurred in the middle of May. The day before the regiment went to Horfield, about the 3rd for 4th of May, there was a snow storm, and two days after the regiment arrived at Horfield and went

into camp there was another. When the regiment had been in camp three days a very heavy rainfall occurred, and while the officers were assembled at mess, the news was brought to them that the men would not turn into their tents at tattoo. The mess was broken up, and the officers were ordered to join their companies and look after their men, and they found that the latter were not to blame for not turning into their tents when the bugle sounded, there being no disposition on the part of the men to be insubordinate; but it was found that, owing to the water in the tents, it was absolutely impossible for the men to turn in. The men were literally up to their knees in water in their tents, and every bit of straw there was saturated. It seemed that the reason for this was, that at the end of the field where the men were encamped, the blue lias clay, being badly drained, caused the water to accumulate. It was drained in a manner which anyone acquainted with agricultural draining could at once see was utterly absurd. It was pointed out that all they could do was to endeavour to prevent this occurring another time. It had been mentioned by his hon. Friend that the regimental defaulters' book showed, undoubtedly, a very serious increase of crime on this special occasion. He might say that the reason for that was, that 200 or 300 men of the Royal South Gloucester Militia had houses within a radius of two or three miles from the field in which the camp was situated, and many went off to their homes, returning to their duties next morning. On behalf of the officers, both of the Royal South Gloucester and the Royal North Gloucester Militia regiments, he might state that they had not the slightest desire to find any fault with any duties that might be imposed upon them. Both officers and men of these regiments were willing to do all that they were called upon to do; but he could not help thinking that what had been done would have a very serious effect upon the recruiting of both regiments, and especially on the regiment with which he had the honour to be connected, as there were various regiments whose head-quarters were not far from Bristol in which men could enlist in preference. He was very much afraid, therefore, if this arrangement were effected, that the Royal South

Gloucester Militia would become almost depleted. The right hon. and gallant Gentleman had said that he had intended himself to go down to Horfield and see what could be done; he was sorry that he was not then in his place; but, probably, he would hear afterwards what had occurred. He wished to point out that the barracks of Horfield contained quarters for the brigade dépôt of the 61st and 28th Foot, and for a battery of Artillery; but there was no reason why the battery of Artillery should remain there. If the battery of Artillery could be got rid of—and it was a very bad place for Artillery—the part of the barracks then disused might be cleared, and accommodation might be provided at a small expense for one regiment of Militia at a time. If the right hon. and gallant Gentleman went down, then he wished to ask him to ascertain whether or not accommodation could not be provided for one Militia Regiment at a time in those barracks, instead of occupying about one half of the field by the encampment, which rendered the position of the training ground left available very inadequate for the purpose?

THE CHANCELLOR OF THE EXCHEQUER: I thoroughly agree with the hon. Gentlemen who have just spoken, and regret that my right hon. and gallant Friend the Secretary of State is not here to answer this Question. I must remind the House that my right hon. and gallant Friend has gone through two very severe days, and everyone who knows what the strain is in fighting paragraphs of a Bill through Committee will, I am sure, accept my apologies for his not being present to-night. When the Question was put to him, my right hon. and gallant Friend said that notice should be taken of the matter, and that he was quite prepared to make inquiries upon the matter, and even to go down personally and inspect the place. My right hon. and gallant Friend was not responsible for the selection of the spot in question; but he had felt it his duty to inquire into all the circumstances of the matter. I am quite sure that my right hon. and gallant Friend or one of his Colleagues would have been present to-night in order to hear what has been said, had it been thought that this Motion would have come on. Looking at the Paper, we

hardly expected that this Motion would have been brought on, as it was the last of a series of Motions; and you, Sir, have noticed that, although my hon. Friend has stated that he would call attention to the subject and move a Resolution, he did not put the terms of that Resolution upon the Paper. That encouraged the impression that the Motion was not likely to be taken. On behalf of my right hon. and gallant Friend, I can assure the House that the matter will be brought to his notice, and that he will pay great attention to the question, the importance of which he thoroughly acknowledged.

COLONEL KINGSCOTE did not wish the impression to be made upon the Government that the matter which had been brought forward concerned only one regiment. When a Militia regiment was quartered in a town where it got on so well as the Royal North Gloucester Militia had in Cirencester, it was a very great pity to move it to a central dépôt. But what had been said of the evil to the removal in the case of the Royal North Gloucester and the Royal South Gloucester Militia regiments applied to the case of many other regiments. In his opinion, a great deal of mischief would be done by drafting Militia regiments into these dépôts, and taking them away from their surrounding recruiting grounds, and the result would be that they would not be anything like so efficient. The regiment of which he had the honour to be the colonel was very full of men, and very efficient, and it was a great pity that these Militia regiments should in any way deteriorate or lessen in number. At any time they might be called upon to take their part in the defence of the country; and as he thought the matter was one which concerned the efficiency of the Militia he was entirely in its favour.

GENERAL SHUTE said, in his opinion the Militia constituted the real Reserve of the Service, and he was very glad that this debate had been brought forward. A want of consideration appeared to have been shown to the Gloucester regiments; and it was a pity that any course should ever be adopted by the War Department which, from giving just cause of complaint, might be liable to produce deterioration in, or lessen the strength of, our great Constitutional Force. In the interests of the

Militia, it should always be recollected that the Militia was not only our most reliable Force for home defence, but formed the best Reserve for our Army in war. That Army was mainly composed of men lately drawn from the Militia which, under Wellington, gained that victory which gave Europe upwards of 50 years of peace. He was satisfied that they ought at once to enforce a fair Ballot Act, not the unjust rich man's Act. Those who had most to protect should contribute most to its defence, and, instead of a payment for a substitute, a sum should be paid for exemption in proportion to income—a man earning or possessing £20 a-year should pay £1, £40 a-year £2, and so on; £1,000 a-year £50. Every man in the Militia who had seen two trainings should be allowed to volunteer for the Line. This would insure that the Militia would be brought up to its full strength; and he was satisfied that the result upon the Army would be, at the same time, that they would have no difficulty in recruiting for it. He said that a Ballot Act, with a graduated exemption, was suggested by him in speaking on the Army Estimates in May, 1875.

SIR DAVID WEDDERBURN thought that if the whole county of Gloucester could have been searched through, a worst place could not be found for the head-quarters of the two Militia regiments than Horfield. He was perfectly satisfied with the assurance they had received, that the right hon. and gallant Gentleman the Secretary of State for War would go down and inspect Horfield.

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee deferred till Monday next.

TRAMWAYS ORDERS CONFIRMATION (re-committed) BILL.—[BILL 215.]

(Mr. John G. Talbot, Viscount Sandon.)

COMMITTEE.

Order for Committee read.

MR. J. G. TALBOT said, that the Orders contained in this Confirmation Bill were of the ordinary kind, as to which nothing particular need be said. With regard, however, to the Confirmation Bill itself, which had been before a Select Committee, it was only right that he

should state what had been done. Provision had been inserted in the Bill enabling the Board of Trade to grant licences to use steam on tramways for experimental purposes; but in order to insure that that licence should not be obtained in a manner detrimental to the interests of the locality, provision had been made that the licences should only be granted by the Board of Trade after the consents of the greater part of the local authorities interested had been obtained and the Board of Trade had made an inquiry. The power of the Board of Trade to grant licences was restricted to two years. Thus, if the experiment proved satisfactory, the Tramway Company would have one year to come to Parliament to obtain powers to use steam permanently. The question of allowing steam upon tramways had been debated in the House last year, and a very full discussion took place, and a very large majority then affirmed the principle of permitting steam on tramways. A Committee of the other House had sat this year, and the conclusion they arrived at was that steam should be permitted on tramways, and also that power should be given to the Board of Trade to grant licences for the experimental use of steam, in the manner which he had previously referred to. There was only one other remark which he would make, and that was with regard to the North London Suburban Tramways. He could not positively state whether it went through any district within the area of the Metropolitan Board of Works. His hon. and gallant Friend the Chairman of the Metropolitan Board had drawn his attention to the matter, and he had given him an undertaking that if this tramway went through any part of their district, the rights of the Metropolitan Board should be reserved. He thought, however, that the expression used in the Bill, "local or road authority," would include the Metropolitan Board of Works. If that were not so, however, he would take care that words should be introduced into the Bill reserving the rights of that Body.

MR. RAIKES wished to say a few words with regard to this very important Bill. This measure might probably on a future occasion come on for consideration as one of very great importance, for there could be no doubt that if the use of steam on tramways became

popularized a revolution over the whole of our lines of public roads would be effected. He wished he were able more emphatically to congratulate the Board of Trade upon the mode in which they were dealing with this subject. In the first place, the powers which were given to the Board of Trade were limited to the purpose of experiment. They were enabled to grant licences for one year, and to renew them for one year more. He did not think that the House would have been willing to give the Board of Trade, or any other authority, more extended powers than that. In his opinion, if the use of locomotives on roads was to be permanently permitted there would be a necessity for some considerable changes to be made as regarded the control of the Board of Trade. He was bound to say that much might be said against the present measure, and he could have wished the Board of Trade to have seen its way to lay down more stringent regulations than it had done. On previous occasions he had expressed opinions which, he believed, were shared by the majority of the House, that it would be necessary to provide, in all cases in which power to use the public roads was given, that such user should not have the effect of ousting the ordinary traffic; but that the persons having those powers should be called upon, if necessary, to widen and maintain the roads. When Parliament dealt in a more permanent manner with this subject he hoped that a good measure would be passed; he thought it should be understood that the present Bill was only temporary and experimental. With regard to the width of roads, he wished to give Notice to his hon. Friend that on another occasion, when the subject was being dealt with in a more permanent manner, he should submit to the House a proposal for enforcing a minimum width of road over which these lines were to be permitted to run. There were other matters which arose in connection with the subject; but he would not enter into them at that late hour. He would only mention that two Bills had passed the House during the present Session, in both of which clauses carrying out the views he had endeavoured to express had been introduced. With regard to one in Essex, provision had been made that the promoters should maintain the roads. In one unopposed Bill which came before

him there were provisions in relation to the expense of paving a road which were contrary to the principles he had endeavoured to affirm. He, therefore, inserted the same clause as that in the preceding Bill, though subject to a Proviso giving an ultimate discretion to the Board of Trade, and should in future offer his opposition to any Bill which should be drawn in the same manner.

SIR JAMES M'GAREL-HOGG said, that he had called the attention of his hon. Friend to the position of the Metropolitan Board with relation to the roads of the Metropolis. He was quite satisfied with his undertaking that their rights should be reserved.

Bill considered in Committee, and reported, without Amendment; to be read the third time upon Monday next.

PARTNERSHIP BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to consolidate and amend the Law of Partnership.

Resolution reported:—Bill ordered to be brought in by Mr. SAMPSON LLOYD, Mr. HERSCHELL, Mr. GREGORY, and Mr. WHITWELL.

Bill presented, and read the first time. [Bill 225.]

CORK BOROUGH QUARTER SESSIONS BILL.

On Motion of Mr. MURPHY, Bill to regulate the sittings of the Quarter Sessions Court of the Borough of Cork, ordered to be brought in by Mr. MURPHY, Mr. SHAW, Mr. GOULDING, and Colonel COLTHURST.

Bill presented, and read the first time. [Bill 226.]

HIGHWAY ACCOUNTS (RETURNS) BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to amend the Law with respect to Returns of Receipts and Expenditure as regards Highways, and to dispense with the verification before Justices of the Accounts of Surveyors of Highways, ordered to be brought in by Mr. SCLATER-BOOTH and Mr. SALT.

Bill presented, and read the first time. [Bill 227.]

House adjourned at half after One o'clock till Monday next.

Mr. Raikes

HOUSE OF LORDS,

Monday, 30th June, 1879.

MINUTES.]—PRIVATE BILL—*Select Committee*
—London Bridge*, nominated.PUBLIC BILLS — *First Reading*—Prayer Book
Amendment* (133); University Education
(Ireland) (134).*Second Reading*—Wormwood Scrubs Regula-
tion* (128).*Second Reading*—*Committee negatived*—Customs
and Inland Revenue*.*Committee—Report*—Local Government Provi-
sional Orders (Aspull, &c.)* (113); Consoli-
dated Fund (No. 4)*.

THE LATE LORD LAWRENCE.

QUESTION. OBSERVATIONS.

EARL GRANVILLE: I rise to put a Question to the noble Earl at the head of Her Majesty's Government, of which there has not been time to give more than a private Notice. A great man has passed away from this House and from this life. It required a singular combination of distinguished men and of extraordinary circumstances to build up the Indian Empire of the Queen. It also required an unusual concurrence of mental and moral qualities, much time, and unusual opportunities to build up such a reputation as the late Lord Lawrence has established for himself in the history of India and of this country. My Lords, I think that these are qualities which it is wise in a great nation to acknowledge. I wish to ask, Whether it is the intention of Her Majesty's Government to advise that any mark of public respect should be paid to the memory of Lord Lawrence? I purposely abstain from any suggestion as to the mode in which such a tribute should be rendered, because these are not matters of mere sentiment—they must in some degree be governed by precedent—and also because it is right that the Advisers of the Crown should take the initiative in a question of honours.

THE EARL OF BEACONSFIELD: Everyone must be conscious of the services of Lord Lawrence. They were eminent, and will be honoured and remembered. I understand that an offer has been made that his body should be interred in Westminster Abbey, and that that offer has been accepted by the noble Lord's relatives.

VOL. CCXLVII. [THIRD SERIES.]

PUBLIC HEALTH ACTS—VILLAGE OF
LEIGHTON.—QUESTION.

THE EARL OF SANDWICH rose to ask a Question respecting the village of Leighton, in the county of Hunts, the property of the Ecclesiastical Commissioners. The noble Earl having read a letter from the Chairman of the Board of Guardians, describing the imperfect sanitary condition of the place, and the injurious effects of overcrowding in the cottages of the poor, said, he contended that the Ecclesiastical Commissioners, on whose property the village was situated, ought to take immediate steps to remedy the state of things of which he complained.

EARL STANHOPE, on behalf of the Church Commissioners, said, that when the village was bought by them it had a population of 450 persons, and contained 45 cottages and 22 poor cottages. Their object had been from the first to improve the condition of the village, and, with that object, nine of the worst cottages had been pulled down; while the others were being gradually rebuilt in such a manner as to compare favourably with the new cottages on other estates. In the course of last summer certain complaints were made by the rural sanitary authority respecting the state of some drains, but the defects pointed out had been speedily and satisfactorily remedied, and at a very trifling cost. He hoped that his noble Friend would be satisfied with the answer he had made. He should be happy to furnish him with any correspondence that he might desire, as well as a list of the cottage occupiers.

NEW NORTHERN (VICTORIA) UNIVER-
SITY.—QUESTION.

LORD WINMARLEIGH asked the Lord President of the Council, Whether the Government have decided on the advice which shall be given to Her Majesty with regard to the institution of a new University in accordance with a Memorial recently presented to Her Majesty?

THE DUKE OF RICHMOND AND GORDON replied, that a Memorial had been presented to the Queen in Council, praying that Her Majesty might be graciously pleased to grant a Charter for a Northern University, to be called the Victoria University, and that the

advice of Her Majesty's Government was, that Her Majesty be pleased to grant the prayer of the Memorialists.

INSURANCE COMPANIES—PARTICIPATION OF PROFITS.—QUESTION.

LORD STANLEY OF ALDERLEY asked Her Majesty's Government, Whether, in consequence of a decision of Mr. Justice Fry, persons who have insured in Insurance Offices which give a participation in the profits will be liable for the debts of those Insurance Companies; and whether Her Majesty's Government intend to bring in a Bill to remedy this state of things?

THE LORD CHANCELLOR said, he would endeavour to give the best answer he could to the Question; but he must submit to the noble Lord that it was a somewhat inconvenient course to adopt, with regard to a decision which had been given by one of the Primary Courts of Law, to ask the Government what their opinion of that decision was, and whether they meant to introduce a Bill in consequence of it? Of the particular details of the Judgment to which the noble Lord referred, he had no accurate means of informing himself; but he was told that it would give quite an inaccurate description of the Judgment to speak of it in the way in which it was described in the Question, or as going to the length which was there indicated. He was informed that the Judgment in this particular case had not the universal application the noble Lord supposed. He would merely add that the Judgment was one against which anyone who was affected by it, and considered himself aggrieved by it, might appeal. If the Judgment were ill-founded, it would be reversed; if it were pronounced to be consistent with law, the House would probably not expect the Government to introduce a measure to alter the law, in order to meet the exigency of one particular case.

UNIVERSITY EDUCATION (IRELAND) BILL.

(The Lord Chancellor.)

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR, in rising to call the attention of the House to the subject of University Education in

The Duke of Richmond and Gordon

Ireland and to the present arrangements under which University degrees are conferred in that country, and to present a Bill on that subject, said:—My Lords, in inviting your Lordships' attention for a short time to the question of University Education in Ireland, I think I ought at the outset to offer your Lordships' some explanation of how it has come to pass that, at this period of the Session, a measure on this subject is about to be laid before your Lordships, and is about to originate in this House. My Lords, the explanation is extremely short and simple. Her Majesty's Government have at various times had their most careful attention directed to the question of University Education in Ireland, the various demands made with respect to it, and the opinions which were entertained on the subject. Before the commencement of the present Session, they felt it to be their duty to consider the whole subject with great care and attention. My Lords, the Government at that time were of opinion—an opinion which we still entertain—that without entering on ground which was, to some extent, debatable—there was in the arrangements connected with University Education in Ireland—I will not call it a grievance, but a deficiency and an inconvenience which called for a remedy. My Lords, the Government have considered whether they would make a proposal for the purpose of remedying that deficiency in the present Session of Parliament, and they came to the conclusion that it was not their duty to do so—and that for two reasons. The first reason is, that the Government well knew that, however simple might be the proposals which they were prepared to make, the whole subject of Irish University Education, and all the opinions which were entertained with regard to it, must be thrown open by the introduction of any Bill whatsoever on the subject. The Government were, at the same time, conscious that there were other measures of great urgency and importance which it would be their duty, in the first place, to submit to Parliament, and upon them to have the judgment of Parliament pronounced, before they approached the question of University Education in Ireland. The other reason tended in the same direction. In the course of last Session of Parliament the Government carried through Parliament pro-

posals, with which your Lordships are well acquainted, for the improvement of Intermediate Education in Ireland. At the commencement of the present Session the legislation on that subject had hardly begun to take effect, and may be regarded as being yet in its infancy. The Government were of opinion that, looking at the question of University Education as being closely connected with Intermediate Education, it would be extremely desirable and advantageous to have some experience of the working of the measure with regard to Intermediate, before they proceeded to legislate on the subject of University Education. It was for these reasons that the Government determined not to introduce a Bill dealing with University Education in Ireland among the measures which were to be presented to Parliament during the present Session. I believe that soon after Parliament met one of my Colleagues, in answer to a Question which was put, either in this or in the other House of Parliament, stated that it was not the intention of the Government to propose legislation on the subject in the present year. But, my Lords, the position of matters has changed since that time. A Member of the Legislature—a Member of great experience and ability—who upon this subject must be looked upon as occupying, to a certain extent, a representative position (the O'Connor Don)—acting entirely within his own right, introduced into the other House a measure on the subject of Irish University Education. My Lords, that measure is not before your Lordships, and it would be extremely improper for me, and it is not my intention, to enter into any controversy with regard to its provisions. Indeed, I am anxious to avoid, in dealing with this subject, every appearance of controversy—I wish to state merely those facts which are necessary to explain the position of the Government. In considering the measure to which I have just referred, the Government were of opinion that the financial proposals which it contained would have the effect of constituting an endowment for denominational Colleges in Ireland, contrary to what they conceived was the Parliamentary compact entered into in 1869 with regard to the funds of the Disestablished Church, and contrary, I may say, to that which they considered as having been the uniform policy of

Parliamentary legislation with respect to grants of public money for the purposes of Collegiate education and instruction. In these circumstances, the Government felt that they could not support the Bill. There is no doubt that the Government might have contented themselves with opposing the Bill, and criticizing its provisions on the grounds which I have stated. They felt, however, that they would not be acting with candour towards Parliament if they did not make some statement with regard to what they themselves considered to be the great deficiencies in the case of University Education in Ireland, and if they did not, at the same time, state the extent to which they were prepared to propose a remedy for those deficiencies. No doubt, they might have confined themselves to such a statement; but they thought it fairer to Parliament, and fairer to those outside of Parliament, who would not be likely to be satisfied with a mere statement on the subject, that their views should be distinctly and clearly set forth in the form of a Bill, to which the assent of Parliament should be asked, as containing the remedy which the Government would advocate for the deficiency of the existence of which they were conscious. My Lords, for these reasons it was that my right hon. Friend the Secretary of State for the Home Department, a few days since, announced that it would be my duty, as the Representative of the Government, to introduce in this House, where the state of the Public Business admitted of its being done, a measure on the subject. My right hon. Friend—probably not bearing in mind our form of procedure—stated that I should be prepared to lay before your Lordships the measure I refer to on Thursday last. I greatly regret that your Lordships were inconvenienced by a misunderstanding on the subject. As far as I myself am concerned, it was a matter of perfect indifference to me whether I proposed the measure on Thursday last or to-night; but I found that Business was already arranged for last Thursday; and it appeared that it would be more for your Lordships' convenience that the Notice I gave on Thursday should be given, and that I should make, what I hope your Lordships will find, a very short and concise statement on the subject to-night. My Lords, that is the explanation—a clear and simple one—of

the circumstances under which this Bill now comes before you.

Now, my Lords, in order to explain the proposals of the Government, I must ask your Lordships to refer for a moment to the state of matters in England with regard to University Education and University degrees. In England you at present have four Universities—Oxford, Cambridge, London, and Durham. I put aside Durham, because it is a University local in its operation, confined to the College and Hall of which it consists, and it does not in any way affect the general arguments which I wish to lay before your Lordships. I come to Oxford and Cambridge. Your Lordships are well aware that in order to obtain a degree in these Universities a student must become a member of the University—in other words, he must be matriculated. He must reside for a greater or less period of a certain number of years in order to qualify himself. By submitting to these conditions, and by proving the proficiency which he has acquired, he obtains in regular course the degree which he wishes to obtain. My Lords, it is, therefore, impossible for any person to obtain a degree in Oxford or Cambridge without becoming a resident in one of the Colleges or Halls of those Universities. I now turn to the University of London. The University of London proceeds upon a principle materially varying from that of Oxford and Cambridge. A student there must, indeed, matriculate as a commencement of his relation to the University; but he is not, after his matriculation, required to reside either in the University or in any College or Hall connected with the University. The University takes no account of how a student who may obtain his matriculation or his degree has obtained education. He is allowed to educate himself where he pleases, and as he pleases, in private under such conditions as he may think proper, or in any private Hall or College. All that the University requires is that, at the proper time, he should present himself for his further examination, and show that he has attained the standard of education which the University thinks desirable and necessary to qualify him for a degree. If, when the time comes, he can show that degree of proficiency, he receives a degree of the University. Now, my Lords, that being the state of things in England, let me

also turn for a moment to consider what is the state of things in Ireland. There are in Ireland two Universities. There is the University of Dublin—that is to say, the University of Trinity College—and there is the University of the Queen's Colleges, called Queen's University. Let me explain separately the arrangements of each of these Universities. With regard to Dublin, the University and College are co-extensive. The members of the College are members of the University, and there are no members of the University who are not members of the College. In order to obtain a degree in Dublin University a student must be matriculated, as he would be at Oxford or at Cambridge. He must go through a certain amount of Collegiate education, which must either be done with residence in Trinity College, or, if he does not actually reside in Trinity College, he must, at all events, come up certain times within the year to undergo a periodical examination—not examination for a degree, but periodical examination to test his progress in the particular course of learning laid down by the College. During that time he must be on the books of the College, and he must pay the annual fees that the College requires. My Lords, the endowments of Trinity College are entirely open to every denomination. I am glad to believe that to some extent in practice the advantages of Trinity College are availed of by all denominations in Ireland. I speak myself as one who has been an *alumnus* of the University of which I have now the honour to be Chancellor; and I well remember that in the time of my Collegiate course several of my intimate friends were members of the Roman Catholic Church, receiving there the same education which I received—and I recollect that I had the advantage of having as my private tutor one of the most accomplished mathematicians of the day, who was a Roman Catholic. My Lords, the tests for the higher endowments of Trinity College which then existed have been entirely removed, and there is absolutely at this moment no disqualification to any person whomsoever with regard to any endowment or preferment in Trinity College. And your Lordships cannot have a more conspicuous proof of that than that which has occurred within the last few days. One of the

The Lord Chancellor

great prizes of Trinity College had to be filled up—one of the Fellowships of the College. There was the usual examination for the purpose of filling up that vacancy. The successful candidate, I am informed, belongs to the Moravian denomination; and if there had been another vacancy, the next in order of merit was a Roman Catholic. Your Lordships, then, cannot but be satisfied with the complete openness to all denominations of the endowments of Trinity College. Your Lordships, at the same time, will understand that, although all the endowments are open in the way I describe, a degree cannot be obtained by any person in Trinity College without his becoming a member resident, or attending periodical examinations, in the University. Now, what is the case with regard to the Queen's University? My Lords, the history of the Queen's University is this:—In the year 1845 there were founded three Queen's Colleges in Ireland—one at Belfast, one at Cork, and one at Galway. They were founded, in the first instance, as Colleges, without any arrangements for conferring degrees. They were provided by Parliament with grants for building, and with considerable endowments for the foundation of scholarships and exhibitions. In a few years afterwards—I think in 1850—the Queen's University was incorporated for the purpose of conferring degrees upon those who were students of those three Colleges. Now, your Lordships will understand that the Queen's University itself has, what I may term, no local or real existence beyond that of its corporate character. What I mean to say is, it does not undertake to teach; it has no Professors, it has no Fellows. It is not provided with any scholarships or exhibitions—it is simply an Examining Body. But, then, your Lordships will observe the peculiarity of this Examining Body is this—it does not examine for the purpose of conferring degrees at large, but for the purpose of conferring a degree only on those who pass through a curriculum or course of study in one of the three Queen's Colleges. Now, with regard to the Queen's Colleges, as I stated of Trinity College so I say of them—they are entirely open. They are open to persons of all denominations, without any restriction whatever. And, my Lords, I am glad to say that,

looking at the number of these Colleges, they appear to be availed of, to a considerable extent, by persons of all denominations. I have got the numbers upon the books of the three Colleges. I have here a list of the students who were attending in the year 1876-7, matriculated and not matriculated. As to Queen's College in Belfast, the number of members in it belonging to the Church of Ireland was 86. The Presbyterians, who are the greatest number in that part of Ireland—more particularly those who are to be ministers of the Presbyterian Church in Ireland—are generally educated there. The Presbyterians were 370. There was a very small number of Roman Catholics—only 13; of other denominations, 68. I turn to the Queen's College at Cork. I find that at Cork there were members of the Church of Ireland, 101; of Roman Catholics, 113; and of Presbyterians, 6: so that in Cork the Roman Catholics in Queen's College actually outnumber the members of the Church of Ireland and the Presbyterian Church put together. All other denominations number only 13. In Galway I find the numbers are—Church of Ireland, 26; Presbyterians, 77; Roman Catholics, 89. So there, —again, Roman Catholics are, roughly speaking, equal in numbers to the members of the Church of Ireland and the Presbyterians put together. Taking the three Colleges together, the numbers are—Members of the Church of Ireland, 213; Roman Catholics, 230; Presbyterians, 387; and of all other denominations, 90. Now, my Lords, I do not stop to inquire how far these numbers are out of proportion, or in proportion, either with the whole population of Ireland or that part of the population which may be supposed to require University Education. I do not refer to it for any purpose of controversy—I wish to place your Lordships in possession of what the facts are; and it will be seen that in the Queen's Colleges there is a substantial—a very substantial—admixture of persons of all denominations. The result, therefore, of what I have stated is this: you have got in Ireland two Universities; you have got in those Universities all the endowments and privileges open to persons of all denominations; and you have got provisions for conferring degrees upon all the members of those Universities. But then comes

this state of things which is entirely peculiar to Ireland, which does not exist in this country; you have got no means in Ireland of conferring a degree upon any person who does not submit to become a member of one or other of those two Universities. My Lords, that is a state of things which Her Majesty's Government consider to be a deficiency, and an inconvenience to those who do not wish to become members of those Universities, and which constitute just and reasonable ground of complaint. I ask your Lordships to consider what is the meaning of a degree. A degree in a University is, after all, just like any other honour proceeding from the Crown. It is a mark of honour given by the Crown. The Crown is unable, personally or immediately, to superintend the giving of degrees, because it is unable to conduct the examinations which are necessary for the purpose of conferring degrees. It is, therefore, necessary for the Crown, and it is the habit of the Crown, to delegate to a University the duty, responsibility, and privilege of examining for degrees and conferring degrees. But degrees are, in one respect, unlike other honours. With regard to other honours, you may have them or not have them; they are not absolutely requisite for the purpose of daily life. With regard to University degrees, the state of things is entirely different: for a University degree with regard to many Professions—indeed, with regard to all our great Professions—is absolutely requisite:—or, if not requisite, it is, at all events, an honour, an attribute, which carries with it certain advantages and privileges with regard to the terms upon which the holder of it enters the learned Professions. Therefore, it becomes a just matter of complaint to any member of the community if he is placed at a disadvantage compared with other persons in obtaining a degree which it may be necessary for him to have, having regard to his advancement in life. Now, we know there are in Ireland, as in England, many private Colleges—Colleges which do not choose to submit to the conditions and rules which must necessarily attach to public institutions like Trinity College and the Queen's Colleges. They may be able to educate young men with great success and advantage; and it is a considerable loss to them to be unable to secure the advantages arising

from the power of conferring degrees, when those advantages are to be obtained elsewhere. Even with regard to private tuition the same observation applies. I am one of those who attach the greatest possible advantage to Collegiate education. I look upon it as undoubtedly the highest class and form of upper education; and I certainly should be sorry to put in comparison with a Collegiate education the education received under private tuition. I could understand it being said—"We shall give no degrees whatever unless those who come forward to claim them show they have been educated under a Collegiate curriculum." But you cannot say in England—"We will give degrees to all comers, wherever they have been educated, whether in a public College, in a private College, or under private tuition"—you cannot say that in England, and with any justice say in Ireland—"We will adopt a wholly different course. We will give no degrees here but for those who pass through Trinity College or one of the Queen's Colleges." That is a defect—a deficiency of the arrangements with regard to conferring degrees—of which the Government were sensible in Ireland; and the object of the measure which the Government are prepared to recommend to Parliament is to meet and remedy that deficiency.

My Lords, I will now state very shortly the way in which the Government propose to remedy that defect. In the Bill, to which I shall ask your Lordships to give a first reading to-night, provision is made for founding and incorporating a University in Ireland. The University is to consist of a Chancellor and a Senate. The Senate, of course, will be appointed by the Charter of the Crown; and the proposal of the Bill is that the Senate shall not exceed 36 in number, and that they shall be nominated, in the first instance, by the Crown. Arrangements will be made to fill up a certain number of the vacancies which afterwards occur, so that Convocation—the constitution of which I will presently describe—may have the power of electing six members of the Senate. We propose that the Convocation should consist of graduates who may obtain their degrees in this University, and any graduates who may be transferred and become graduates of the Uni-

versity. We propose that the Senate should elect its own Vice Chancellor. We propose that the University, thus constituted, should make provision for such public examination of candidates for matriculation and degrees and such other University examinations in secular subjects as may be necessary, and shall appoint Examiners in the several subjects of secular learning usually studied in a University; that it should confer degrees in all faculties except theology, and confer these degrees without requiring, as a condition, residence in any particular College or Hall, or tuition under any particular form; that it should look in the examination to the standard of proficiency necessary for degrees, and confer degrees on those who have attained that standard. We propose that there should not be any Professors or Lecturers connected with the College—and, in that respect, we follow the example of the London University.

The question then arises, what do we propose with reference to the Queen's University? Your Lordships will remember that the Queen's University itself is but an Examining Body; but it is an Examining Body simply for the purpose of examining those students who are members of the three Queen's Colleges. It appears to the Government that it would be an arrangement not only inconvenient, but without precedent, to establish in one Metropolis three Universities—Trinity College (the University of Dublin), the Queen's University, and the University which is proposed to be created by this Bill—and that it would be still more indefensible to adopt that course, when you consider that two of these Universities would be performing exactly the same functions—namely, examining for degrees—with only a trifling distinction. We, therefore, propose that as soon as the University to which I have referred is constituted by Royal Charter, steps shall be taken for the dissolution of the Queen's University; that the graduates of the Queen's University should become graduates of the new University with all the privileges which they had before; and that all who are matriculated students of the Queen's University shall become matriculated students, with all the same advantages, of the new Universities. My Lords, I said that as to the Queen's

University there were no endowments in the shape of professorships, or scholarships, or exhibitions. There is, however, a fund of moderate amount which has been collected by private contributions, and placed under the management of the Queen's University, for the purpose of supplying exhibitions for those students who come from the Queen's Colleges. Of course, that is a private fund, contributed for a specific purpose, and that will not be interfered with or diverted from the purpose for which it was intended. In other respects, the Vote of Parliament which is taken for the expenses of the Queen's University will, of course, apply itself to the University of which I have spoken. In what I have said your Lordships will observe that our intention and anxiety has been not in any way to interfere with the Queen's Colleges—we do not touch them in any respect—and if there is any change whatever, it is for their advantage, for they will be connected with a University larger and more extended, and, I hope, stronger than ever the Queen's University has been.

These, my Lords, are the proposals which your Lordships will find in the Bill for which I shall ask a first reading. They are extremely simple. They avoid much of the debatable ground connected with University Education in Ireland; and I can honestly say, however we differ as to endowments or other questions of controversy, so far as I can understand, there is not a single provision in the present Bill on which we may not all find it possible to agree. Whether that is so or not, Her Majesty's Government have thought it to be their duty to make this proposal to Parliament. They propose it in the hope of solving the difficulty connected with the University Question in Ireland. This is the first difficulty which ought to be solved, and I hope your Lordships will give this Bill your most favourable consideration. I have only to thank your Lordships for the patience with which you have heard a statement of some technicality and detail.

Bill to promote the advancement of learning and to extend the benefits connected with University Education in Ireland. — *Presented.* — (*The Lord Chancellor.*)

EARL GRANVILLE: My Lords, whether this Bill is to be accepted or not, it is one which will certainly require the gravest consideration by Parliament. I can, however, conceive of nothing more inconsistent with that grave consideration, than that immediately after the statement of the noble and learned Lord on the Woolsack a debate should follow. I shall confine myself, therefore, to saying one word only on the subject. The noble and learned Lord has naturally thought it necessary to make some explanation to your Lordships of the circumstances under which the Government have found it desirable to bring in this Bill. The noble and learned Lord told us that his should be a short and simple statement. It was certainly not a long one; but, as to its simplicity, notwithstanding the great power of exposition of the noble and learned Lord, I am not sure whether I quite understood, at the moment, the reasons he has given for the introduction of the Bill. I understood him to say that this matter was carefully considered by Government during the winter, and that they came to the conclusion that they would not be able to deal with it any easy and simple manner; but now the noble and learned Lord says that he sees no reason why this Bill should not be agreed to by all parties. He stated, on the one hand, that there were more urgent matters to engage the attention of Parliament; and, on the other hand, that the Government wished to judge of the success which has followed on the adoption of the measure of last year. If I make any complaint at all, it is not that the Government have brought in this Bill and endeavoured to settle the question, but that they have brought it in at this particular moment. The noble and learned Lord has propounded what is to me a perfectly new doctrine—namely, that a Bill having been introduced into the other House of Parliament some weeks ago on the subject, it would not have been fair on the part of the Government for them to state their objections to it, but that, in fairness, they were bound to present a Bill themselves on the subject. I cannot conceive why, looking at the want of Business in your Lordships' House, this measure was not introduced before the very end of June. I wish now to ask one question of Her Majesty's Government, and that is, Whether it is

their intention by this Bill, in the words which were used in "another place," merely to place on record their opinions in regard to this subject, or whether they intend to ask your Lordships to give it a second reading with the *bond fide* intention of passing it through Parliament this year? This is a question which I hope Her Majesty's Government will be good enough to answer.

THE EARL OF BEACONSFIELD: I agree with the noble Earl that this is not an occasion on which it is desirable or convenient to enter upon a discussion of the measure which my noble and learned Friend has now asked permission to introduce, and I only rise to answer the direct question which the noble Earl has asked. It is certainly the intention of Her Majesty's Government to pass this measure, if it be in their power to do so. They will attempt to do so, and their chances of success to some extent depend on the support they receive from the noble Earl himself. In that case, they will not despair of being able to pass it even through the other House of Parliament. At all events, there is a *bond fide* intention to pass it through your Lordships' House, and to ensure its success in the other.

EARL GREY desired to enter his protest against the doctrine laid down by the noble and learned Lord on the Woolsack, that one Parliament should by its action bind all future Parliaments. The Act of 1869, which disestablished the Church of Ireland, set aside important arrangements which were contained in the Act of Union; and it was not beyond the power of Parliament now, if it thought fit, with regard to a future appropriation of the Irish Church funds, to apply them for the benefit of the Irish people in any way it might think fit. He thought that the fund should be so applied. He did not now express any opinion, one way or the other, as to how that fund ought to be appropriated; but he protested against what was implied in the speech of the noble and learned Lord on the Woolsack, that what was done in 1869 fettered the power and action of Parliament.

LORD ORANMORE AND BROWNE asked, When the Bill would be laid upon the Table, and when it was proposed to take the second reading?

THE LORD CHANCELLOR said, he hoped the Bill would be in their Lordships' hands to-morrow; and, with regard to the second reading, he should be glad to place it on the Paper for a convenient day—he would say for that day fortnight, if not earlier.

EARL GRANVILLE hoped the Bill would be put down for second reading at an earlier day than was stated by the noble and learned Lord.

Bill read 1st; to be *printed*; and to be read 2^d on *Tuesday* the 8th of July next. (No. 134.)

THE LORD CHANCELLOR said, he would consider whether the Bill could be taken for second reading on an earlier day.

THE LATE PRINCE IMPERIAL.

QUESTION. OBSERVATIONS.

LORD CAMPBELL: My Lords, the Question I have to put might have been suggested to anyone on this side of the House, or on the other, by something which fell from the noble Earl the Prime Minister a week ago, as to what might be done, at the proper time, to mitigate a great, a rare, a terrible bereavement. As to the merit or demerit of those who accompanied the late Prince on a fatal and memorable day opinions vary, controversies multiply, new details are produced, new inquiries are demanded; and the only true course would seem to be that of avoiding praise and blame with strict impartiality. That which is manifest, that which all classes of society, all shades of judgment, may unite in is, that the late Prince sacrificed his life in a manner glorious, if glory can belong to any human action, for the civilization of Africa, and for the service of Great Britain. But the essential point to be remarked is, that the debt of honour and of gratitude incurred by us falls not on individuals, even the best and highest, but on the community in general. I do full justice to the individuals and the personages who are organizing a Memorial, and, according to my humble means, I shall contribute to their effort. But, unless there is a national proceeding of some kind, the nation will not have acted on the subject. It will have continued mute, where its expression was

desirable and necessary. If we glance at monuments in the Abbey, raised during the last century to Naval or Military excellence, their value is seen to reside, not so much in their sculptural or classical perfection, which has often been debated, but in the simple terms "accorded by the King and Parliament of Great Britain." As regards the late event, by a well-known form the Court has already done its part, and it rests for the public to endorse and share in the acknowledgment, by whatever mode the Government may deem the most emphatic and appropriate. At present, no more, perhaps, can be expected of the Government than a statement that some proceeding is contemplated; and that it will not make individual zeal, however just, seasonable, and well-directed in itself, a ground for overlooking a debt of State which can only be discharged by the Executive and Legislature. The noble Lord concluded by asking Her Majesty's Government, Whether it was intended by a public funeral, or any other form of national acknowledgment, to do honour to the memory of the late Prince Imperial?

THE EARL OF BEACONSFIELD: It is not the intention of Her Majesty's Government—using the formal phrase in connection with such ceremonies—to propose a public funeral of the remains of the late lamented Prince; but what is contemplated at present is, that when his body arrives at Portsmouth, or, perhaps, I should rather say Sheerness, in the ship *Orontes*, it shall be transferred to another of Her Majesty's ships for conveyance to Woolwich, where it will be received with the honour and respect which it deserves. I am sure it will interest your Lordships to know that the Royal Artillery, with which Force the lamented Prince was connected, has expressed, in a most becoming manner, sympathy with those who are suffering under this great misfortune, and their anxiety to attend the funeral of one whom they regarded as a brother in arms. Members of the corps will accompany the body from Woolwich to Chislehurst, and then, in due course, to the grave. The date of the funeral must necessarily depend upon the ceremonies at Chislehurst, and which are not in any way under the control of the Government.

PRAYER BOOK AMENDMENT BILL [H.L.]

A Bill to amend the Book of Common Prayer
—Was presented by The Lord Ebury; read 1st.
(No. 133.)

House adjourned at half past Six o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 30th June, 1879.

MINUTES.]—SUPPLY—considered in Committee
—Resolutions [June 27] reported.

PUBLIC BILLS—Resolution in Committee—Charity
Commissioners' Expenses [Stamp Duty].
Ordered—First Reading—Customs Buildings *
[228].

First Reading—Children's Dangerous Performances * [229].

Second Reading—Public Loans Remission *
[218]; New Forest Act (1877) Amendment *
[210].

Committee—Army Discipline and Regulation
[88]—R.F.

Committee—Report—Volunteer Corps (Ireland)
(re-comm.) [200].

Third Reading—Tramways Orders Confirmation * [215], and passed.

Withdrawn—Dogs Regulation (Ireland) Act
(1865) Amendment * [129].

QUESTIONS.

NEW NORTHERN (VICTORIA) UNIVERSITY.—QUESTION.

MR. BIRLEY asked Mr. Chancellor of the Exchequer, Whether Her Majesty's Government have decided upon the advice to be given to the Crown in regard to the recent Memorial for a Charter in order to found a University in the north of England?

THE CHANCELLOR OF THE EXCHEQUER: A Memorial has been presented to Her Majesty in Council, and referred by Her Majesty to a Committee of the Privy Council, which will offer Her Majesty advice with reference to granting the prayer of the Memorial.

POST OFFICE—CAPE AND ZANZIBAR MAIL CONTRACT.—QUESTION.

DR. CAMERON (for Mr. J. HOLMS) asked Mr. Chancellor of the Exchequer,

Whether, having regard to the early termination of the Cape and Zanzibar Mail Contract, and in view of the intended establishment of a submarine telegraph along the East Coast of Africa, under a large subsidy from the Government, he will inform the House if Her Majesty's Government intend to continue the present postal subsidy for the conveyance of Mails between the Cape and Zanzibar after the termination of the present contract in February 1881?

THE CHANCELLOR OF THE EXCHEQUER: The contract does not expire till February, 1881. It is at present too early to say what arrangements might be contemplated on its expiry.

INFANT LIFE PROTECTION ACT, 1872—
INFANT MORTALITY, EXETER.

QUESTION.

MR. A. MILLS asked the Secretary of State for the Home Department, Whether he has received a Memorial from the Guardians of the Poor in the city of Exeter, calling his attention to the increase of infant mortality there; and, whether it will be possible to amend "The Infant Life Protection Act, 1872," and "The Registration Act, 1874," so as to bring foster mothers who have charge of one infant only, and all persons who may procure the burial of still-born children without obtaining a medical certificate, within the provisions of these statutes?

MR. ASSHETON CROSS, in reply, said, that the Memorial had been received, and he had consulted the Local Government Board on the subject. He was told that, in their opinion, neither of the suggestions of the Guardians was practicable. Each of those suggestions had been considered and rejected at the time when the Bills relating to them respectively were passing through Parliament. He might, however, add that he had issued a Circular to the different local authorities and members of the police force, requesting that the provisions of the Infant Life Protection Act should be properly put in force.

MINING ACCIDENTS—LEGISLATION.
QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, When he will introduce the Bill that

will give him the same power of holding an inquiry into mining accidents as he now possesses in regard to accidents from explosive substances?

Mr. ASSHETON CROSS: Not until I see that there is some reasonable chance, from the state of Public Business, of passing it. I am quite ready to do so when I see a favourable opportunity.

ARMY COMMISSION (INDIA).

QUESTION.

Mr. FAWCETT asked the Under Secretary of State for India, Whether it is the case, as stated in a telegram from Calcutta, published in the "Times" of Monday last, that the Native Army alone will come within the scope of the inquiries of the Commission which has been appointed in India to investigate Military Expenditure and Organisation; and, if so, whether he will inform the House what are the instructions which have been given to the Departmental Committee at the War Office with regard to the inquiry into the cost of the European Army which is charged on the revenues of India?

Mr. E. STANHOPE: No, Sir; the statement in *The Times* that the Native Army alone will come within the scope of the inquiry is not correct. The instructions contemplate a thorough and exhaustive inquiry into our whole military system in India, and the organization and distribution of the Army, and the Commission will sit at once.

THE LATE PRINCE IMPERIAL.

QUESTION.

Sir WILLIAM FRASER asked the Secretary of State for War, Whether he will lay upon the Table of the House a Copy of the Correspondence relating to the late Prince Imperial leaving this country for the seat of war; whether he will state the precise position of the Prince in, or in connection with, Her Majesty's Army; and, whether he will give at once, or so soon as they can be ascertained, the name and rank of the Officer by whom the Prince was put in orders on the 1st of June for the specific duty in the performance of which he lost his life?

Colonel STANLEY: I endeavoured, Sir, to answer this Question, with some

others of a similar nature, the other day. I then explained what the Prince's position was in connection with the Service, as far as I understood it. And I also said that instructions were immediately sent out by telegraph to have an inquiry instituted and a Report made as to the facts. I have not yet received further particulars than those which I was in possession of last week.

POST OFFICE (IRELAND)—POST OFFICES IN MAYO.—QUESTION.

Mr. O'CONNOR POWER asked the Postmaster General, Whether he has received a Memorial asking for further postal accommodation at Dooleague Post Office, County Mayo; and, if so, whether he will be able to accede to the request of the Memorialists; whether he is aware that, by the abolition of the money order office in Mulranny, County Mayo, much inconvenience is caused to the poor people of the district, who have to travel over twenty miles to get remittances cashed which are sent by their friends engaged at the harvest in England; and, whether he will order the re-opening of the money order office at Mulranny?

LORD JOHN MANNERS: I received a Memorial on the subject of the hon. Member's Question on Friday last, and sent it to Ireland for investigation. As soon as I receive it back it will receive attention. With reference to the second part of the Question, the office has been temporarily closed owing to the dismissal of the Postmaster. A new appointment has now taken place, however, and the office will be re-opened immediately.

IRELAND—CHURCH MISSIONS IN THE NORTH—CIRCULATION OF OFFENSIVE TRACTS AND PLACARDS.

QUESTION.

Colonel COLTHURST asked the Chief Secretary for Ireland, Whether any representations have been made or will be made to the authorities of the Irish Church Missions Society, in the hope that they may cease to issue and circulate tracts and placards offensive to the religious belief of the great majority of the people of Ireland, and calculated to provoke ill-will and consequent disturbance of the public peace?

MR. J. LOWTHER: Some few weeks back I had an interview with Canon Cory, the recognized head of the Mission in Galway, and he assured me that it had always been, and would be, his personal endeavour to restrain the circulation or exhibition of any tracts or placards of an offensive character. He also stated that his attention had been recently called to a breach of the instructions given on that point; and that he had called the attention of those whom it concerned to the desirability of abstaining from the use of any such placards or tracts as had been referred to. He hoped that those representations would have the desired effect.

AFGHANISTAN — THE TERRITORIAL ARRANGEMENTS — THE KHYBER PASS, &c.—QUESTIONS.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, If the Khyber Pass is to be held by British troops; if the Khost district is one of those assigned to the British Government; and, if the British troops are to leave Candahar at once; or, if not, whether, while they remain, that district is to be administered by British authorities or by Yakoo Khan?

MR. E. STANHOPE: The text of the Treaty with Yakoo Khan has given to the House the general character of the territorial arrangements between the two Governments. As regards the details for which the hon. Member asks, perhaps he will be good enough to repeat his Question on some later day, when I can give more accurate information. The British troops are not to leave Candahar at once; but the only reason for this delay is that it is unadvisable on sanitary grounds to move them until the commencement of the cold season.

SIR GEORGE CAMPBELL asked the hon. Gentleman to state, Whether, in the meantime, the Candahar districts were to be administered by the British or the representatives of the Ameer?

MR. E. STANHOPE: Perhaps the hon. Baronet will repeat that Question also on a future day.

ARMY DISCIPLINE AND REGULATION BILL—THE CAT-O'-NINE-TAILS.

QUESTIONS.

MR. CALLAN asked the Secretary of State for War, Whether he will make

arrangements to facilitate the inspection by honourable Members of the cat-o'-nine tails, the sealed pattern of which for the Navy, it has been stated, is deposited at the Admiralty in custody of the First Sea-going Lord, so that honourable Members may be enabled to inspect it without loss of time, by having a specimen of the cat-o'-nine-tails deposited in some convenient room of the House?

COLONEL STANLEY: Sir, I have given orders that the pattern should be placed so that it could be seen by any person who has any business to see it either at the Horse Guards or at the War Office. I will be glad to give any further information in a day or two.

MR. CALLAN: Sir, may I ask, Whether Members of this House are presumed to have a right to see it?

COLONEL STANLEY: Yes; Sir, for they are concerned in the legislation under which the punishment is inflicted.

MR. CALLAN: Sir, I beg to ask the Secretary of State for the Home Department, Whether he will arrange to facilitate the inspection by honourable Members of the Prison cat-o'-nine-tails by having a pattern cat deposited in some convenient room of the House? I ask this in addition to my former Question, as specimen cats differ as much as a lady's riding whip and her husband's thong.

MR. ASSHETON CROSS: Certainly, Sir. I shall give the same facilities for inspection as those promised by my right hon. and gallant Friend.

POST OFFICE ORDER DEPARTMENT—UNPAID ORDERS.—QUESTION.

MR. RICHARD asked the Postmaster General, If a list is kept by the Controller of the Post Office Order Department of the unpaid Orders payable in London (the central or branch offices), the place of issue, remitter, and payee; and, whether he would grant a Return of the number and amount of such unpaid Orders for each year from 1870 to 1878?

LORD JOHN MANNERS, in reply, said, there was such a list as the hon. Member referred to; but the preparation of such a Return as was indicated in the Question would be a work of so much labour and expense, that he did not think he should be justified in requiring its production by the officers of the Department.

CRIMINAL CODE (INDICTABLE OFFENCES) BILL.—QUESTION.

MR. ANDERSON asked **Mr. Attorney General**, If he has seen the statement in the letter from the Lord Chief Justice on the Criminal Code (Indictable Offences) Bill, that he read with "astonishment" Clause 19, which continues all the common law so far as justification of offences, and that such a provision is, in his opinion, "altogether inconsistent with every idea of codification of the law," and his further statement as regards codification of the statute law, that the measure is so incomplete that—

"The passing of the Bill in its present condition would really be a misfortune compared to which delay would be of little importance;"

and, whether he will now consent to withdraw the Bill for the purpose of having it introduced in a more complete form next Session?

THE ATTORNEY GENERAL (**Sir JOHN HOLKER**): I have read and considered most carefully the letter of the Lord Chief Justice of England alluded to in the Question of the hon. Member. It appears to me to be clear that when he wrote that letter the attention of his Lordship had not been drawn to the Report of the Commissioners who revised the Criminal Code. I say this, because in that Report excellent reasons are given for the insertion of Clause 19 in the Bill; and by the same Report it is also very clearly shown that it would not be advisable at present to attempt a larger measure of codification than that contained in the Bill. Perhaps, owing to the condition of Public Business, it will not be possible to proceed with the Code this Session; but I should not propose to withdraw the Bill for the reasons suggested by the hon. Gentleman.

IRELAND — ARRESTS FOR DRUNKENNESS.—QUESTION.

THE O'CONOR DON asked the Chief Secretary for Ireland, When the Returns relative to the arrests for drunkenness in Ireland, ordered on the 5th of May, will be presented to the House?

MR. J. LOWTHER: Sir, they will be laid on the Table to-morrow.

THE GREEK PAPERS.—QUESTION.

LORD EDMOND FITZMAURICE asked the Under Secretary of State for

Foreign Affairs, On what day the Greek Papers, promised for Friday last, will be in the hands of Members?

MR. BOURKE, in reply, said, he had not definitely promised that the Greek Papers would be out on Friday. He had only expressed a hope that they would be out then, or soon thereafter. They had passed out of the Foreign Office on Saturday, and should be in the hands of hon. Members very shortly.

POOR LAW (IRELAND) — NORTH DUBLIN BOARD OF GUARDIANS.

QUESTION.

SIR ARTHUR GUINNESS asked the Chief Secretary for Ireland, Whether his attention has been called to the report in the "Freeman's Journal" (19th June) of a meeting of the North Dublin Board of Guardians, held on 18th June, in which it is stated that the chairman of that meeting refused to receive a notice of motion relating to the present high death rate in Dublin on the ground that such motion "would be a slur on the Public Health Committee of the Corporation;" and, whether the chairman was justified in doing so?

MR. J. LOWTHER: Sir, when my hon. Friend gave Notice of this Question I sent over to Ireland for information, which, however, I have not yet had time to receive. I cannot, therefore, say how far the report alluded to is correct; but I understand it is the duty of the Chairman of a Board of Guardians to put any question to the meeting which has reference to the administration of the Poor Law. As to whether this particular question came under the category I cannot at present say. It would, however, I apprehend, be no part of a Chairman's province to consider whether or not a resolution constituted a reflection upon any other public body.

ARMY—THE AUXILIARY FORCES—THE ROYAL NORTH GLOUCESTER MILITIA.

QUESTION.

MR. J. R. YORKE asked the Secretary of State for War, Whether he contemplates countermanding the orders for the removal of the Royal North Gloucester Militia from Cirencester to Horfield?

COLONEL STANLEY, in reply, said, he was not at present able to state whether the orders referred to by the hon. Member could be cancelled. He hoped, however, to have an opportunity of inquiring personally into the matter.

DOGS REGULATION (IRELAND) ACT
(1865) AMENDMENT BILL.

QUESTION.

MAJOR NOLAN asked the Chief Secretary for Ireland, If, considering the lateness of the Session and the inconvenience to which Irish Members have already been put in watching the Dogs Regulation (Ireland) Act (1865) Amendment Bill, he would now consent to postpone that measure until next year; and, if not, could he now definitely state on what day that Bill would be proposed for Second Reading?

MR. J. LOWTHER: With respect to the inconvenience which the hon. and gallant Gentleman says hon. Members have been put to by having to watch this Bill, I have certainly endeavoured to avoid it by giving due Notice of the day when it will be brought on; and as I have introduced it at the request of many Gentlemen sitting on both sides of the House, I am very unwilling to withdraw it from the Notice Paper any sooner than it is necessary to do so. But I must say that, looking at the state of the Order Book, some sacrifices of, perhaps, a more serious character than the hon. and gallant Gentleman refers to will have to be made. The Bill stands for this day fortnight; and when the time comes, I shall be very glad to give an example by moving that that Order be discharged.

CUSTOMS RE-ORGANIZATION — CIVIL
SERVICE WRITERS.—QUESTION.

MR. RATHBONE asked the Secretary to the Treasury, Whether, in the forthcoming scheme for reorganization of the clerical branch of the Customs, any alteration will be made in the position of the staff of Civil Service Writers of that service?

SIR HENRY SELWIN-IBBETSON, in reply, said, that all reasonable claims would be duly considered in the forthcoming scheme.

BUILDING SOCIETIES—LOANS—6 & 7
WILL. IV. c. 32.—QUESTION.

MR. JACOB BRIGHT asked Mr. Attorney General, If Building Societies registered under the old Act (6 and 7 Will. 4, c. 32) are authorised to borrow money so as to bind the funds and property of said societies, or only on the individual responsibility of the trustees?

THE ATTORNEY GENERAL (SIR JOHN HOLKER): No express authority to borrow money is given to Building Societies by the old Act 6 & 7 Will. IV. c. 32. But any loans contracted prior to 1874 in accordance with the certified rules of a Building Society are declared by the 15th section of the Building Societies Act, 1874, to be valid and binding on the Society. The Building Societies certified under the Act 6 & 7 Will. IV. c. 32, have now the powers of borrowing money set forth in the Act of 1874, section 15, sub-section 4.

CYPRUS—PURCHASE OF LAND BY
FOREIGNERS.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether by a Turkish Law of the 18th June 1867, to which several Foreign Governments gave their adhesion by Protocols dated the 9th of June 1868, the 10th of May 1869, &c. Foreigners acquired the right to purchase land in Turkey; and, if so, whether such right is now a Treaty right which cannot be taken away by local ordinances; and, if the foregoing inquiries are answered in the affirmative, whether Her Majesty's Government have considered the effect of the above Law and Protocols on the Ordinance recently promulgated in Cyprus forbidding the sale of lands to other persons than subjects of Great Britain or Turkey, the Island of Cyprus being still a part of the dominions of His Majesty the Sultan?

MR. BOURKE: I apprehend that the way the matter stands is this. Under the law of Turkey of 1867 foreigners were permitted to have the privilege of acquiring and holding land in Turkey, with certain reservations, which reservations were expressed in a Protocol that was drawn up at that time between Her Majesty's Government and the Turkish Government; and both the law of Turkey and that Protocol are already

a Parliamentary Paper by themselves. Certain other Powers—Austria, Denmark, and one or two others—joined in the Protocol afterwards with Turkey; and I believe that the Protocol entered into with Turkey was similar to the one entered into at the time with Her Majesty's Government. Therefore, strictly speaking, I should not say that there was any Treaty right; but, whether that be so or no, we do not apprehend there will be any difficulty arising out of the Ordinance to which the hon. Baronet alludes: because if any foreigner does apply to purchase and hold land in Cyprus, certainly any right which he has, either under Turkish law or under the Protocol which may have been entered into by the Power to which that foreigner belongs, would have due consideration when application is being made to the Commissioners for licence to hold land.

THE LATE LORD LAWRENCE.

QUESTION.

MR. EVELYN ASHLEY: Perhaps I may be allowed to ask a Question of the Chancellor of the Exchequer, of which I have given him private Notice. It is with reference to the interment of the late Lord Lawrence, Whether Her Majesty's Government have considered the propriety of paying some national tribute of respect to his memory, either by communicating with the authorities of Westminster Abbey as to the burial there, or in any way that the Government may approve of?

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, there can be no doubt of the very great services which the late Lord Lawrence rendered to his country; and I am sure that there is no place in which those services will be more appreciated than in the Houses of Parliament, and that there are no persons by whom they are more appreciated than by Her Majesty's Government. We do not consider that precedents would justify us in proposing a funeral for Lord Lawrence at the public expense; but I am happy to say that arrangements have been in progress, and, I believe, are now completed, by which it is arranged that the funeral shall take place in Westminster Abbey. I think this announcement will give great satisfaction to the House,

EGYPT—THE SUCCESSION.

QUESTION.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether he proposes to include in the Papers relating to the affairs of Egypt the correspondence between Her Majesty's Government and the Porte with reference to the various Firmans which have been issued in reference to the Egyptian succession; and, if he does not propose to include them, whether he will lay upon the Table of the House the correspondence relating to the Firmans issued since 1841 in reference to Her Majesty's Government and the Porte?

MR. BOURKE: I do not think it would be convenient to the House that any delay should take place in presenting the Egyptian Papers. Therefore, if any of the Papers referred to by my hon. Friend be presented at all they had better be presented afterwards in a separate form. I am sure my hon. Friend does not wish us to present all the correspondence upon those Firmans; because they already fill a very large and bulky book, and I think that all the necessary information will be found in that book. With regard to the Firmans of 1846, 1856, 1857, 1866, and 1873, they are, no doubt, very important, and I have already given orders that they shall be translated, and that is now being done. As to the correspondence, I think there is very little that will throw light on the matter; but if my hon. Friend will communicate with me privately, I shall be glad to show him the Papers, and those that are of any use can be published.

ARMY—WAR DEPARTMENT—PURCHASE OF HAY.—QUESTION.

MR. ANDERSON asked the Secretary of State for War, If he will state the circumstances under which the War Office about a year and a half ago bought a large parcel of Dutch hay, kept it for over a year, and then sold it again; what price it cost per ton, including freight and other expenses, and what price per ton was realised for it, deducting interest, storeage, and other expenses; why the hay was not used; and, whether none has been bought since that parcel was sold?

COLONEL STANLEY, in reply, said, that the hay was bought, not by the War Department, as the hon. Member supposed, but by the Admiralty. The War Department merely lent an officer for the purpose of inspection. The price paid was, he believed, £5 15s. a-ton, and some of it was sold as low as 10s. a-ton, for unsound hay. Other particulars desired by the hon. Member were not in his possession; and perhaps the hon. Gentleman would repeat his Question, and address it to his right hon. Friend the First Lord of the Admiralty.

MR. ANDERSON said, he would put a Question on the subject to the First Lord of the Admiralty; but he could not see why the Admiralty should buy hay, unless it was for the Horse Marines.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE. [Progress 27th June.]

Bill considered in Committee.

(In the Committee.)

Clause 87 (Delivery of soldier on discharge with his wife or child at work-house, or of dangerous lunatic at asylum).

Amendment proposed,

In page 47, line 38, to leave out from the word "sent" to the word "paper," in line 1, page 48, in order to insert the words "any parish in which the soldier has resided at any period before his enlistment for twelve months, but choosing as far as possible the parish in which the soldier has last spent twelve months, and, if this cannot be ascertained, then."—(Major Nolan.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

COLONEL STANLEY thought it would save the time of the Committee if he asked them to postpone this clause. If the hon. and gallant Member for Galway (Major Nolan), who had moved the Amendment, would be good enough to confer with him, he might be able to bring up a clause which would recommend itself to the Committee.

MAJOR NOLAN said, he had no objection to withdraw the Amendment.

MR. PARNELL remarked, that some very important questions were involved in the clause, and he thought no harm would be done if the right hon. and gallant Gentleman the Secretary of State for War devoted a little consideration to them. The clause made a very radical change in the present law. It provided that a soldier should have a settlement at the station to which he was attached; and it also provided that if the place of his birth was known, he should have a settlement there also. Now, he thought that both of those provisions were unfair; and it was just as well that the Committee should express an opinion upon the matter at once. It would, he thought, save time hereafter.

THE CHAIRMAN said, the hon. and gallant Member for Galway had expressed a wish to withdraw a particular Amendment now before the Committee; and neither the hon. Member for Meath, nor any other hon. Member, would be in Order in speaking upon the clause generally on the question of withdrawing that Amendment.

On Question, "That the Clause be postponed?"

COLONEL STANLEY said, his object in postponing the clause was to save time, and to carry into effect the views expressed by the hon. Member for Meath (Mr. Parnell.) Inasmuch as matters of considerable importance would have to be taken into consideration, he should like to obtain the opinion of those who were practically cognizant with them; and he would be glad if the hon. and gallant Gentleman the Member for Galway (Major Nolan) would be good enough to postpone his Amendment.

MAJOR NOLAN remarked, that the hon. Member for Mayo (Mr. O'Connor Power) had got an Amendment on the Paper which he hoped the right hon. and gallant Gentleman the Secretary of State for War would consider at the same time. It was an Amendment somewhat in the same direction as his; and he confessed that it was a much better one. If the Secretary of State for War could not consent to the amendment of the clause in the direction he had suggested, he should be pleased if

he would consent to the proposal of his hon. Friend.

Mr. BIGGAR desired to make a few observations upon the present Amendment. He did not consider it the most satisfactory plan to adopt, for the right hon. and gallant Gentleman the Secretary of State for War to state that he would confer with one Member of the House of Commons and try to settle these matters. The hon. and gallant Gentleman the Member for Galway was, no doubt, an authority upon military subjects, and, generally, he (Mr. Biggar) was found at one with the hon. and gallant Gentleman; but, nevertheless, he thought it right that every Member of the House should have the opportunity of offering his opinion. In reference to the Amendment of the hon. Member for Mayo, it was his opinion that if a place were to be selected at all upon which the wife and children of a soldier should be chargeable, surely the proper place was where the marriage had been solemnized. It was only reasonable to suppose that when a soldier got married, the woman belonged to the place at which he had originally lived. The right hon. Gentleman the President of the Local Government Board seemed to think that they should not ask that the law relating to soldiers should be made different to the general law with regard to all paupers chargeable on their different places of residence. The right hon. Gentleman should take into account the fact that by the Bill now before them it was not proposed to act in conformity with the general law, and that afforded a precedent why they should ask for a change of the law in this particular instance. There was another matter upon which he wished to remark, and that was that the military authorities should not allow the soldiers to marry, if it were possible, and especially under the short-service system. When a soldier enlisted for 21 years there was some reasonable excuse for his wishing to marry; but when a man at 18 years enlisted for six years, with the intention of going in the Reserve at 24, he did not see any excuse for his asking to be married. As far as possible, the military authorities ought to throw all the obstacles they could in the way of young soldiers marrying.

Amendment, by leave, *withdrawn*.

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Mr. O'CONNOR POWER said, he was not disposed, in view of the arrangement which had been made between the hon. and gallant Gentleman the Member for Galway (Major Nolan) and the Secretary of State for War, to detain the Committee with the consideration of his Amendment; but there were one or two points in connection with it to which he wished to call attention. He was opposed to the clause as it stood, first of all, on the ground of justice; because, when they were debating the question of poor removal, it was always admitted that if a man had lived for a certain number of years in any given place he was entitled to a settlement. Now, a soldier was, above all contradiction, in that position. By his having spent a certain number of years in the Army he had established a claim on the State. In the clause, as it at present stood, that claim was not recognized. A lunatic soldier would be sent down to his native parish, a proceeding which could not be justified on the ground of justice. It certainly would not be calculated to increase military ardour, or to excite enthusiasm in the recruit, if he were to know that the track of glory commenced on the village green, and traced all through the world, was to terminate at the workhouse. That, however, would be the only practical effect of the present clause. There was no reason why an asylum should not be provided for military lunatics. That was what he wished to press on the consideration of the right hon. and gallant Gentleman the Secretary of State for War and his hon. and gallant Friend the Member for Galway, when they had constituted themselves into a Committee of two on this important question. He was glad that the hon. and gallant Member for Galway would have the opportunity of conferring with the Secretary of State for War on the subject; but, of course, he joined with the hon. Member for Cavan (Mr. Biggar) in declaring that they would not abdicate their functions as critics of any proposals that might be made in Committee. The question of what proper provision should be made for the wife and children of soldiers was, no doubt, a very difficult one; and the more he looked at the clause, and considered every Amendment suggested, the more he was convinced of the desirability of postponing the clause. He trusted,

however, that the Secretary of State for War might even now be able to see his way to cause Army asylums to be provided for mentally disabled soldiers. From every point of view—justice, expediency, national honour, and military honour—it seemed very necessary that military asylums should be established.

Mr. PARNELL said, that as the right hon. and gallant Gentleman the Secretary of State for War was about to confer with the hon. and gallant Member for Galway on this clause, he would not oppose its postponement, because that seemed to be the only course that could reasonably be taken. On Saturday he drew up a number of Amendments to this clause; but, unfortunately, he had not been able to get them upon the Paper. He felt that he owed an apology to the right hon. and gallant Gentleman the Secretary of State for War and to the Committee. As a conference was about to take place, he wished to point out, for the consideration of the hon. and gallant Member for Galway and the Secretary of State for War, some matters to which they might devote their attention. They had, as his hon. Friend the Member for Mayo (Mr. O'Connor Power) justly observed, hopes of the establishment of State lunatic asylums for the maintenance of lunatic soldiers, instead of allowing them to go to some workhouse in the country, as might be determined upon, and from thence sent to the lunatic asylum connected with the workhouse. If it were decided to send a lunatic to the workhouse, it would be fair that the cost of maintaining the lunatic should be re-imbursed to the workhouse or the Poor Law authorities. If lunatic asylums for soldiers were maintained at the cost of the State, and there were difficulties in the way of sending a lunatic soldier there, it was, at least, proper that the Poor Law authorities, who had charge of the patient, should be recouped by the War Office. Then they were confronted by the question of what provision should be made for the wives and children of soldiers. They all knew very well that soldiers in the Army were very seldom allowed to marry. They were only allowed under very exceptional circumstances to marry, and then their wives were placed upon what was called the strength of the regiment. Soldiers were only allowed to marry in consequence of

some special good conduct, or on the supposition that the wives could be useful to the regiment in some way or other. He presumed that the clause now before the Committee covered the case of the wives and children of soldiers permitted to marry under the circumstances he had enumerated; and he was of opinion that the cost of maintaining those women and children should be borne by the State. It was manifest that it was for the convenience of the regiment, and for the advantage of the Service, that soldiers were allowed to marry; and, consequently, the wives and children of soldiers ought not to be thrown upon the local rates for support. These were the several points to which he wished to direct the attention of the right hon. and gallant Gentleman the Secretary of State for War and the hon. and gallant Member for Galway, when they came to consider the whole matter; and he hoped that they would be able to frame a clause which would carry out the views of the Irish Members in reference to that important question.

Clause postponed.

Clause 88 (Regulations as to the discharge of soldiers) *agreed to.*

Authorities to enlist and attest Recruits.

Clause 89 (Regulations as to persons to enlist and enlistment of soldiers).

Mr. PARNELL said, he had an Amendment to the clause, which he regretted did not appear on the Paper. He was prevented, by unavoidable circumstances, from causing their appearance on the Paper; and, consequently, he was afraid he should have to submit the Committee to some inconvenience in introducing his Amendments. He proposed, in page 49, line 28, after the word "expedient," to insert the words—

"In addition to those regulations, directions, and forms contained in the blank Schedule of this Act."

That Amendment was to provide for the insertion in the Schedule of a set of rules and regulations with regard to attestation and enlistment. It was most unusual to pass an Act of that kind without inserting, at all events, some general provisions and rules, so far as they could be framed by Parliament, and so far as they could be known and devised by the experience they had had

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in carrying out the desires and intentions of the military authorities; and he submitted that it would be right and proper for the Secretary of State for War to agree to insert a Schedule of the rules and regulations with regard to attestation and enlistment in the Bill itself. There were, of course, a great many provisions which were perfectly well known, and about which there could be no practical difficulty whatever; and his Amendment would not preclude the War Office authorities from the right to make alterations in such rules and regulations afterwards. He proposed to leave to the War Office full permission and liberty to make any alteration in such rules and regulations; and, also, full liberty to make any addition to those provisions that they might feel disposed to make from time to time, or that the exigencies of the Service might require. All that he asked, in fact, was that the Secretary of State for War should embody his experience in the Bill, so far as he knew what regulations might be necessary for the purpose of attestation and enlistment. He asked that they might have the opportunity of considering what the rules and regulations were that the Secretary of State for War now considered necessary for the purpose of carrying on the enlistment of recruits, and that he considered a very reasonable request. They had had several years' experience of the short-service system of enlistment; and within that time they had had ample opportunity of ascertaining almost everything that was requisite respecting rules and regulations, and the like. It was more than ever necessary now that they should understand the form of attestation and enlistment, and the regulations that had been adopted by the War Office with regard to attestation; because, by a previous clause of the Bill, they had abolished the interval between the time of the sergeant meeting the recruit and handing him a copy of the form of attestation, and the time that the recruit appeared with the sergeant for enlistment. There was nothing to prevent a recruit being taken by a recruiting sergeant forthwith before a magistrate and enlisted, without any interval whatever between the time that the recruiting officer induced the man to think of enlisting in the Army and the time when he was actually bound to the Service.

Under those circumstances, it was extremely necessary that the Committee should have the opportunity of weighing well the rules and regulations that had to be adopted by the War Office; otherwise, they might have recruiting carried on in such a hasty and inconsiderate manner that a good many young men would repent that they had ever enlisted. The other day, an Amendment, proposed by the hon. and gallant Member for Galway, was rejected, it being there required that no magistrate should enlist a recruit when the man was under the influence of liquor. It might be all very well to say that such an Amendment would throw a slur on the magistrate; but, at least, they had a right, seeing that that Amendment was rejected, to require that rules should be adopted which would provide against hasty enlistments, and the enlistment of persons at a time when they were not in a proper condition to enter into such a contract. They ought, also, to know under what rules magistrates were to act; and, taking into account all considerations, it was only right that they should have the experience of the Secretary of State for War embodied in a set of rules and regulations in the Schedule, to be annexed to the Act, with regard to enlistment and attestation.

Amendment proposed,

In page 49, line 28, after the word "expedit," to insert the words "in addition to those regulations, directions, and forms contained in the Schedule of this Act."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

COLONEL STANLEY was afraid he could not consent to the insertion of the words suggested. Certain duties devolved upon the Office of Secretary of State for War; and so long as the Gentleman appointed was competent to hold the Office, it was required of him to give his directions according to the exigencies of the Service. It was perfectly impossible to describe all the circumstances with which the Secretary of State for War had constantly to deal. All reforms could not be submitted for the consideration of the House, and he would not recommend that such a course should be adopted. These were clauses of mere procedure; and he asked the Committee whether they felt bound, on clauses which were really continuance clauses

than anything else, to move Amendments on every clause? He had no objection to offer to a fair discussion of all points; but he felt bound to appeal to hon. Gentlemen to make progress with the clauses.

MR. O'DONNELL remarked, that after the postponement of one of the clauses of mere procedure, on the ground of its very great importance, the suggestion of the right hon. and gallant Gentleman was a little inopportune. Furthermore, these clauses of mere procedure might be a matter of small consequence to the Government; but where they had to deal with the terms of a contract—a contract the breaking of which was severely punished—clauses of that kind might have a great deal of importance to persons outside the Government. Besides, it was almost necessary for him to point out a remarkable fallacy which ran through the whole speech of the Secretary of State for War. It must be within the recollection of the Committee that his hon. Friend the Member for Meath (Mr. Parnell) did not propose to tie the hands of the Secretary of State for War in any particular; but, on the contrary, the hon. Member for Meath, in his Amendment, expressly left a wide field in those matters of detail which might reasonably be altered from time to time; and so it was less ingenuous on the part of the right hon. and gallant Gentleman than was usual when he addressed the Committee, to see him ignoring what was expressly the view of the hon. Member for Meath, and trying to persuade the Committee that that Amendment was intended to limit the action of the Secretary of State for War. What was sought, and what was legitimately sought, was to make sure that in some general form all instructions relating to essential points, which ought not to be altered without consulting the House, should be incorporated in the Schedules of the Bill; and that all the minor points should be left to the temporary determination of the Secretary of State for War. He could not help thinking that one very important matter which ought to be included in the permanent instructions to be given to the authorities empowered to enlist and attest recruits was an instruction that the enlisting authority should satisfy himself that the recruit perfectly understood the conditions of the

Service he was about to enter. On both sides of the House it had been admitted that, at present, recruits were continually deceived in the most serious way by the present mode of enlistment. For instance, a recruit enlisted, as he believed, for home service—he enlisted in a battalion that was at home, and would be at home, for some years—and, therefore, he reasonably imagined that he would have to serve at home. According, however, to the linked battalion system, the unfortunate recruit, who had enlisted in the home battalion, discovered that he had made himself liable for service in the linked battalion serving abroad; and, probably, in a few months time, he found himself serving out in India, which was contrary to his expectations. Such a practice was decidedly prejudicial to the reputation of the Government and the Army; and, beyond the slightest doubt, it was one of the frequent causes of those numerous desertions which took place. They allowed a recruit to enlist in a battalion for home service—they did not tell him that he had thus rendered himself liable for service abroad—the unfortunate man soon found himself so liable and he deserted, for which he was punished severely. He (Mr. O'Donnell) could not think otherwise than that many desertions had been occasioned by the acts of the military authorities. Such a provision as he had suggested ought to appear in the Schedule of the Act, in order that the enlisting authority should satisfy himself that the recruit, when he enlisted under the linked battalion system, should thoroughly understand that though he enlisted in a home battalion he was liable to be sent out for foreign service. Such a provision ought to be inserted in the Schedule—indeed, it was to favour an admittedly most frequent source of desertion to leave the point open, instead of settling it while the Bill was before the Committee. Those continual appeals to the Committee not to discuss those clauses were really tantamount to a demand, on the part of the Government, that the whole Army discipline was to be passed in full at the mere *ipse dixit* of the Secretary of State for War, and the Party which stood at his back. The Secretary of State for War could not have been listening to the words of the Amendment, or heard the speech of the hon. Member for

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Meath, or he would not have completely misrepresented the express object of that Amendment, and the repeated explanations contained in the speech of the hon. Gentleman. There was nothing asked of the Secretary of State for War but what was legitimate and fair. He was asked to consent to having a few special points placed in the Schedule annexed to the Bill; and he was left full and entire liberty to introduce fresh provisions with regard to new special points which might require to be settled from time to time. He was afraid the Government was relying on the connivance of their Party organs in those matters. While the just and reasonable arguments on the one side were suppressed, the action of independent Members was being misrepresented by a clique of journalists acting, if not avowedly, in *de facto*, connivance of Her Majesty's Government. They now had the Secretary of State for War utterly and entirely misrepresenting the speech of the hon. Member for Meath, and asking the Committee, in so many words, to disregard the Amendment; while he (Colonel Stanley) had completely misrepresented it, and had evidently not been attending to a single word addressed to him by the hon. Member for Meath. On no other ground could he account for the action of the right hon. and gallant Gentleman; and he could not help thinking, judging by his past action towards the Committee, that if the Secretary of State for War were left to his own independent judgment on the conduct of the Business of the Committee, he would not now be found objecting to a course of conduct hitherto pursued. It was most right, most fair, and most necessary, that some, at least, of the essential points of the contract which the soldier was required to enter upon should be settled in the Bill. His hon. Friend was inclined to leave to the Secretary of State for War full liberty to change, from time to time, the non-essential points it might be found convenient to change; but it was a very serious misrepresentation of the object of the hon. Member for Meath, and it was a most serious injury to the recruit, and a blot on the reputation of the Army and on the good faith of any Government, to refuse on such flimsy pretexts to have something settled with regard to the conditions of a contract, the break-

ing of which was punished with such extreme severity.

MR. BIGGAR could not see on what ground the right hon. and gallant Gentleman could object to the Amendment of the hon. Member for Meath. In introducing the Amendment, his hon. Friend did not ask that a hard-and-fast line should be laid down; all he proposed was that the leading general principles should be laid down, while the minor details should, from time to time, be carried out by the authorities at the War Office. They knew, as a matter of fact, that the present system of recruiting was anything but satisfactory; and they were equally well aware of the desirability of some rules being laid down for the proper carrying out of recruiting. Several evils existing in the system could be pointed out—as, for instance, the youthful age at which a recruit entered the Army. It would be well, in his opinion, for a law to be passed the effect of which would be to prohibit a man being received in the Army unless he had reached a certain age. All the authorities he had heard speak on the subject had declared that the present system was most injurious to the British Army, and likewise to the man enlisting. He trusted that the Secretary of State for War would, after all, be able to consent to the provisions of a Schedule containing the rules to be observed in respect to enlistment.

MR. PARNELL said, he intended to take a Division on the Amendment, because it was a very reasonable one—so reasonable, in fact, that he was surprised that the Secretary of State for War had not thought it right to agree with it. He altogether demurred from the suggestion the right hon. and gallant Gentleman had made—that because these were clauses which were in the Army Enlistment Act of 1870 they ought to be passed over without discussion or alteration. Why, the Government themselves had altered several of them, and had introduced fresh clauses. Since 1870 they had seen it necessary to modify, very materially, many of the clauses of the Army Enlistment Act; they had introduced fresh clauses, and just now one clause had been withdrawn altogether from consideration, in order that it might be materially altered, if not entirely changed. If the Government were inclined to alter these

clauses—the Government, who were in the House of Commons at the time of the passing of the Army Enlistment Act—if they were prepared to alter and bring in new clauses, he certainly thought that independent Members of the House were entitled to make Amendments where they considered them necessary; and more particularly those Members who were not, in any sense, responsible for the Army Enlistment Act of 1870. He had no wish to fetter the action of the War Office in this matter; but merely asked that the Department should tell them what rules and regulations they considered proper with regard to attestation and enlistment, and that they should cause them to appear in the Bill. He left to them full power to make any alterations in those rules and regulations subsequently, upon the understanding that such alterations should be laid on the Table of both Houses of Parliament. There were, certainly, precedents for what he proposed; because there was no other Act of Parliament besides that Army Discipline Bill in which such unfettered power would be given to a Minister to make alterations. Every Act of Parliament had certain rules and regulations embodied in it; but, afterwards, power was given to the Minister to make rules and regulations, on condition that they should be submitted to Parliament. The Secretary of State for War wished to retain power to make rules and regulations without submitting them to Parliament. It was only recently that they had succeeded in obtaining an audit of the accounts of the War Office; and, no doubt, it was only one by one that they would be able to break down all the obstacles which the War Department raised. He felt compelled to take a Division on that question; and he was of opinion that had the Secretary of State for War had a desire to facilitate the progress of Business, he would have at once assented to the present very reasonable Amendment.

MR. O'CONNOR POWER said, that upon the suggestion of the right hon. and gallant Gentleman the Secretary of State for War he wished to make one or two observations. The right hon. and gallant Gentleman deprecated discussion of these matters on various grounds—he described the clause under consideration as a continuance clause. They decidedly objected to continue what

they thought to be bad; and it was no argument at all to say that, because the clause happen to be a continuance one, it ought to be passed. That was the cry raised when the Mutiny Acts had been under discussion; for people and the Press said—"Don't meddle with what has gone on for years." Strange to say, the very journals which took a leading part in denouncing the hon. Member for Meath for his interference with the Mutiny Acts had now altered their tone, and admitted that the hon. Member had rendered great service to the public and the Army by his criticism of these Acts. And, surely, their memories were not so treacherous that they did not remember that the same thing was said of the Prisons Act—"Can't you leave it in the hands of the benevolent and excellent Home Secretary?" Appeals of that kind had nothing whatever to do with the merits of the question, and the best justification of the criticism which the present Bill had so far received was to be found in the action of the Government, and in the clauses they themselves had postponed for further consideration. If the right hon. and gallant Gentleman the Secretary of State for War was anxious to facilitate the passing of the Bill, he ought to weigh more carefully than was his habit the suggestions which were, from time to time, made. If there was any one Member of the Committee who had a right to make suggestions upon a question of that kind, it was the hon. Member for Meath, because he had studied the subject minutely, and he was a Member of the Committee appointed to revise the Mutiny Acts. His attention to that subject had been uninterrupted for several years; and, therefore, for the right hon. and gallant Gentleman the Secretary of State for War to suggest that they should pass over the Amendment and not discuss the clause, on the supposition that it would facilitate the Business of the Committee, seemed to him the most extraordinary fallacy that could be offered. He recommended the Treasury Bench not to contract prejudices against suggestions coming from that part of the House, and not to imagine that when a proposal was made from the Benches occupied by the Irish Members it was made with the object of embarrassing them. All the suggestions he and his Colleagues made were made with the *bond fide* object of amending im-

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portant legislation; and no suggestion that had ever been made during the progress of the Bill was more intimately connected with the good of the Army, or with the ideas which would discourage desertion and make the recruits and soldiers satisfied with their position, than the suggestion which had just been made by his hon. Friend. The Secretary of State for War stated that the question of attestation forms, and of rules and regulations which formed the contract into which the soldier entered, was a matter which had to be altered from time to time. They did not ask the Secretary of State for War to put in the Schedule those small matters which varied according to the strength of the Army; they did not wish to fetter him at all. A variety of minds had been exercised upon the question of Army Law; and if the Secretary of State for War would give them the leading regulations and conditions of the contract between the State and the soldier in the Schedule attached to the Bill, they might, from time to time, be able to devote that attention to the subject which was required of them. He advised his hon. Friend to persevere in his Amendment, and thought much good would be done if the right hon. and gallant Gentleman could only receive it.

MAJOR O'BEIRNE hoped that the Amendment would be withdrawn, because it was utterly impossible for the right hon. and gallant Gentleman to state what were to be the conditions of enlistment. That was more especially the case now that a Commission was sitting to inquire into that and other matters, and their Report was not yet published.

MR. PARNELL said, his hon. and gallant Friend entirely misunderstood the Amendment. He said it would be impossible for the right hon. and gallant Gentleman to state the rules and regulations for enlistment, until the Commission had delivered its Report. He trusted that his hon. and gallant Friend would explain how they were to act until such Report had been published. Did he suppose they would have to abandon all enlistment and all attestation until the Commission had fully considered the question? He told them it was impossible for the Secretary of State for War to frame rules and regulations. Where, then, were they to get their regulations from? What he simply asked was that, for the time being, the rules and regula-

tions necessary, in the view of the Secretary of State for War, for enlistment, should be inserted in the Schedule appended to the Bill. He left full power to the Secretary of State for War to alter those rules at any time afterwards, or even to add to them, if such a course was, in his opinion, desirable. Therefore, when the Commission had made its Report, when it had decided the question of short or long term of service, it would be perfectly open for the Secretary of State for War to alter those rules, or to make any addition to them required by the altered circumstances of the case.

Question put.

The Committee divided:—Ayes 17; Noes 169: Majority 152.—(Div. List, No. 137.)

MR. PARNELL said, that the next Amendment he had to propose was one which the right hon. and gallant Gentleman would have no difficulty in agreeing to. It contained a provision which was in every Act of Parliament he was acquainted with, except the present Bill. At the end of Clause 89, he proposed to add the words—

“Provided always, That any such order so made shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meanwhile under such order or to the making of any new order.”

That was a clause which had been inserted in all the important Acts of recent years. It was inserted in the Prisons Act and in the Factories Act; and wherever power was given to any Minister to make rules and regulations, at the same time provision was inserted to the effect that those rules and regulations should be laid before Parliament. He had copied the clause he proposed to insert from the Factory Act of last Session. That Act was, perhaps, the best sample of drafting they had had for some time, and it simplified that clause in a very material manner.

Amendment proposed,

At the end of the Clause, to add the words, “Provided always, That any such order so made shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such House,

resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order."—(*Mr. Parnell.*)

Question proposed, "That those words be there added."

COLONEL STANLEY felt it his duty to demur to the Amendment, very much for the same reason as he objected to the previous one. Parliament was asked to prescribe certain limits within which the duties of the Secretary of State for War were to be exercised. He thought it absolutely necessary that in such Services as the Army and Navy, those who had to administer discipline, and had to provide for the ordinary procedure of the regulations from day to day, should have the requisite power retained in themselves, always controlled, as it might be, by Act of Parliament. It was perfectly impossible to work any Department in the manner now proposed. If anything were really wanted, it was pretty well known that on the occasion of the passing of the Estimates the Secretary of State for War, and others with whom he acted, were put through a very severe, though not unreasonable, cross-examination; and upon those Votes almost every manner of subject could be discussed. Further than that, there was a practice which now prevailed of moving for Returns; and those Returns were, as a general rule, granted without opposition. It would be absurd to lay on the Table of the House all the orders that might be given; because the effect of that would be that Parliament would then transact the common business of the Army, which was now transacted by the Secretary of State for War.

MR. RYLANDS was astonished at the doctrine which had just been laid down by the right hon. and gallant Gentleman. They heard too much of the assumption, on the part of the Government, that because they occupied the position of Executive Administrators the House of Commons was debarred from laying down certain rules as to the course of Public Business. In fact, the very same argument that the right hon. and gallant Gentleman the Secretary of State for War had just used would justify the Home Secretary in coming down to the House, and—in many cases of Acts of Parliament—positively refusing to be

bound to submit to lay on the Table any regulations he might make under the Bills, the charge of which devolved upon his Office. It was only a short time ago that, in reference to the Valuation Bill, an hon. Gentleman on the other side of the House stood up manfully in defence of the rights of Parliament, and in favour of there being some check upon the central control of the Local Government Board. He voted in the last Division. He had some slight hesitation in voting; but he did so entirely in the sense that the Government ought, in the present Bill, to place Parliament in that position that would enable them, to some extent, to control the action of the Department. But while he had some hesitation in voting for the last Amendment, he had not the slightest in voting for the one now before the Committee, because it seemed to him so reasonable. Whenever any regulations were to be made, it was only right and proper that Parliament should be made acquainted with them, and that they should be laid on the Table of the House. There was another reason why the Amendment ought to be accepted, and that was, that it was extremely undesirable that regulations of that kind should easily be changed. One of the greatest objections to the present system was, no doubt, that men were called upon to enlist sometimes when they were not clear as to the conditions of the contract. It was quite evident that, as far as possible, those conditions should be known; that they should appear in a regular and authorized form; and that the form of contract between the recruit and the War Office should not lightly be changed. There could be no reasonable objection to the Government allowing a Copy of such regulations to lay on the Table of the House, not in any sense that the consent of Parliament should be required; because, unless Parliament expressly dissented from them, no doubt the regulations made by the Department would continue.

MR. BIGGAR said, that the right hon. and gallant Gentleman (Colonel Stanley) had stated that the effect of the Amendment was to require the assent of Parliament to these regulations. He did not think that was so at all. As he understood, the rules would be laid on the Table of the House, and would be open to the whole world; and if any Member of the House, or the public

outside, thought any of them unreasonable or unfair they would criticize them, as they had a right to do. For instance, any Member of the House might dispute their validity by bringing in a Motion in a formal way. He might not, however, have the chance of obtaining a place within 40 days, and so have no opportunity of asking the opinion of the House on the question at all. Still, however that might be, the fact remained that if the Amendment were carried these rules would become public property, and discussions could be carried on—in the newspapers, at any rate—from time to time. At present, however, they did not know what these rules were, and had no means of knowing their contents, except by making a very formal Motion for a Return of Papers, which Government could either grant or not, as it chose. The rules might work great injustice to the recruits; because, without some such provision as this, men, on enlistment, had really no means of knowing the conditions under which they would serve. They were taken before a magistrate and sworn to be members of the British Army, and they were told nothing more. If there was anything objectionable in these rules the recruits should be able to know them, and so to join with their eyes open, and have no cause of complaint afterwards. As the matter stood, great injustice might be done them, and he therefore hoped that his hon. Friend would divide.

MR. O'DONNELL was afraid that the last speech of the Secretary of State for War gave a further illustration of the extraordinary tactics to which he had already had recourse. The right hon. and gallant Gentleman had evidently not paid the slightest attention either to the Amendment or the arguments by which the hon. Member for Meath supported it. The hon. Gentleman proposed that the orders which the Secretary of State should make should be laid upon the Table of the House; and he also proposed, in the ordinary common form which was usually incorporated with such Motions, that any orders or regulations made in this way should be valid until they were invalidated by a Vote of the House. If he was not very much mistaken, the Secretary of State for War had represented that the effect of the Amendment would be to invalidate any orders during the

period that they were waiting for validation. That, as he understood, was just what the hon. Member for Meath did not propose, and just exactly what was not contained in his Amendment. The right hon. and gallant Gentleman told them that under the Amendment all orders, and all recruiting returns, and all forms relating to the Department, which came to hand from all the recruiting centres, would have to be laid on the Table of the House. But he understood the hon. Member for Meath distinctly to propose that only the general and special orders which the Secretary of State made, from time to time, should be laid on the Table. He protested against the right hon. and gallant Gentleman standing up and stating to the Committee, as the views of the hon. Member for Meath, what distinctly were not the views of the hon. Member for Meath, and what was not in the Amendment proposed by the hon. Member, nor contained in any portion of the arguments advanced by the same hon. Member. What could be the object of this sort of tactics? Could the Government believe that their partizan Press would only report the speeches of the Ministerial Benches, and repress all the statements of the Opposition? Were they satisfied that only their extraordinary misconceptions of the statement of the hon. Member would get publicity, and that publicity would be refused the Amendment moved from that side of the House? He could not congratulate the Members of the Government on that policy; and, certainly, he did not think they could congratulate themselves on it. They were told that on the Army Estimates they could demand information upon all these points. They were told to ask for everything on the Army Estimates, and to move every point on the Army Estimates, to raise any number of questions on the Army Estimates. Yet, if they did anything of the kind, they were accused of obstructing Public Business. If they brought forward questions of this kind on the Army Estimates, they were told, again and again—"Why don't you take advantage of the time when Bills are passing through the House, to embody your objections in the form of Amendments?" They were being boxed from legislation to Army Estimates, and from Army Estimates to legislation; and, certainly, it

seemed to him that the Government was not distinguished for candour, in their representations either on Army Estimates or on Bills going before the House. Let the Government come fairly to the consideration of the matter, and save their time and avoid the policy now inaugurated with double force—first, misunderstanding; secondly, misrepresenting the speeches and Amendments of himself and his hon. Friends. It was not to the advantage of the Business transacted, or to the advantage of the reputation of the Government; and they might be perfectly sure that even if a few partizan journals did follow the hint given them, that could not prevent the facts of the case coming to the knowledge of the country.

MAJOR O'BEIRNE supported the Amendment, because he thought it was a very reasonable one. He could not understand the objection to place these Returns on the Table. It could not give anybody any trouble, and it would be highly satisfactory to know what the Government had done. The thing had been done previously, with regard to enlistment, in short and long services; and he did not see why the Government should not do it again.

MR. PARNELL thought the right hon. and gallant Gentleman must have misunderstood the purport of his Amendment, as he had said the effect of it would be to suspend these rules and regulations until Parliament had approved them. Now, as a matter of fact, the effect of the clause in various other Acts, of which this Amendment was a copy, was simply to cause the rules and regulations to be laid on the Table of the House. Any Member had then an opportunity of directing the attention of Parliament to the matter; but nothing more would be done, in all probability, unless some alteration of vital importance had been made in these rules and regulations by Ministers. Rules laid on the Table, in pursuance of a section like this, were seldom or ever challenged; but, still, it was important for Parliament to have the power of checking a Minister, if it desired to do so. It was that power of controlling a Minister which was what the War Office seemed to be very much desirous of evading. Not only in this matter, but in a good many others, it had put itself in an exceptional position as regarded the other Departments. He

pointed out, a few months ago, that it had evaded the control of the Auditor General for a great many years, and had refused to submit to his audit of its accounts; and now the right hon. and gallant Gentleman refused to submit his Department to Parliament. He told them that they could move for Returns if they wanted them; but how did they know, when they did move for them, that they would get them? The giving of such Returns depended entirely on the Government; and it was very difficult indeed to show a reason why they should be granted before they had got the Returns. Then, besides, a multitude of questions was continually cropping up, with which it was not to be expected that private Members of Parliament could keep themselves acquainted. But when they had the Papers laid on the Table, any hon. Member could study the rules and regulations, and could direct attention to the matter. To suppose that these orders and rules would be of no effect until they were sanctioned by Parliament was entirely a mistake; for his Amendment specially provided, at the end, that only after a Resolution carried to the contrary should they be of no effect. And that then, even, the Resolution should only take effect as to the future, and should have no effect as to the past. As the right hon. and gallant Gentleman had left the matter entirely unanswered, he thought he might accept the Amendment.

COLONEL STANLEY said, of course, there was a difficulty in following an Amendment when it was not put on the Paper. He was quite willing to accept the correction; but it would not affect his views.

MR. PARNELL replied, that he had already apologized for not having put his Amendments on the Paper, and nobody regretted more than he did that he had not been able to do so. He was conscious that it was exceedingly inconvenient to the Committee; but it was also evident that his Amendments must suffer more or less from this fact, because the Committee did not thoroughly understand them. There were also many Members who were not in the House when he explained them; and, therefore, did not know what they were about, and, consequently, voted more or less blindly. However, the points in

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this Amendment were so palpable that, after he had ventured to direct the attention of the Committee to them, he did expect the right hon. and gallant Gentleman would have accepted it.

MR. O'CONNOR POWER said, that whatever might be the ultimate judgment of the country upon this discussion, it was very desirable that they should have correct information. The Amendment of the hon. Member for Meath had been very much mis-stated by the right hon. and gallant Gentleman; but they now knew exactly what that proposition was, in clear and definite terms. It was a very important point, founded on Acts of Parliament already passed by the House. In the last Division the Government had refused to put the rules and regulations in the Schedule of the Bill, and the Committee, siding with them, had endorsed their view. The proposition now was, that as the Government would not place these rules in the Schedule of the Act, to give an opportunity of judging of their scope and character that they should be laid upon the Table of the House. So that if Parliament should disagree with anything in them, Parliament might have the power of annulling the order. That was so very simple and plain a proposition that it did not seem necessary to him to write it down in black and white, in order that it might commend itself to intelligent comprehension. The right hon. and gallant Gentleman, unfortunately, had not seen his way to accept this proposal; and, consequently, they were placed in this position—that if they assented to the proposition, the control of Parliament on this subject was not valuable at all. On the other hand, if there was anything which Parliament viewed with suspicion, and of which Parliament had always been distrustful, it was the power of the Army, and the power of the military authorities. The Constitution was interlaced with provisions designed to prevent the civil power from being made subject to the Army. And it, therefore, followed, on strictly Constitutional principles, that there was more need for Parliament retaining control over the proceedings of the War Office than over the proceedings of the Home Office. Yet they assented to this proposition. Whilst they would not trust the Home Secretary in the administration of Home affairs, they were willing to trust the

War Secretary in the administration of the Army. The hon. Gentleman the Member for Meath took very good care that every word and syllable of his Amendment should be justified by precedent; for he went to the Factory Acts for it, and took from one of them the Amendment now before the House. He would appeal to anyone, who might think it worth while to follow their proceedings, whether they should surrender this principle unless they were prepared also to surrender a great Constitutional principle? It was a matter very similar to the proposition brought forward by Sir Boyle Roche, in the Irish Parliament, when he said that he was in favour of the abolition of the whole of the Constitution, in order to save the remainder. In the same way, the right hon. and gallant Gentleman, in order that he might pass a clause of this Bill, was in favour of abolishing, or, at any rate, of refusing to recognize, a very important Constitutional principle which had been deemed to be necessary in reference to prisons, factories, and places of that kind. He failed to see on what grounds the right hon. and gallant Gentleman could justify this extremely unconstitutional position, and he trusted his hon. Friend would divide. These Divisions were not a very enlightened way of settling a question; and it would be far better, instead of marching up and down the Lobby, if the Government were to act in a spirit of intelligent compromise. This proposition was brought forward by Gentlemen distinguished by their services for the Army in connection with legislation and matters of this kind. His hon. and gallant Friend the Member for Leitrim (Major O'Beirne), who had differed from them on the last occasion, had now announced his support of the present proposition; and, as an officer in the Army, he was well entitled to have his views heard on the subject. As a Member of the Committee, also, he had devoted considerable time to it, and ought to have his views considered. When he urged a policy of intelligent compromise on the Government, he did not mean to say at all that they should accept propositions made by persons who knew nothing at all of the matter; but he did think the Government should recognize proposals brought forward by persons who had devoted themselves to the consideration of these matters, and whose Amendments

were based on sound Constitutional principles.

Question put.

The Committee *divided*:—Ayes 33; Noes 148: Majority 115.—(Div. List, No. 138.)

MR. O'DONNELL observed, that this clause gave power to the Secretary of State to make all the regulations he might choose with regard to troops; and the Government had refused to give any information whatever as to what these regulations would be, and they had even refused to submit them to the House as they were made from time to time. He could not but think that this was treating the question in anything but a serious view. The Amendments moved were not even attended to by the responsible official; and the Government simply seemed to be actuated by a desire to pass the Bill through the House just as it stood. This was not a serious way of legislating; and it seemed to him that they wanted to treat the matter in an Opera Bouffe spirit, just as they had treated University legislation. He was not going to take a Division against the clause; but he should vote against it, and he should negative it, in order to give Members an opportunity of expressing a conviction that this was not the right way to deal with important questions.

Clause *agreed to*.

Clause 90 (Justices of the peace for the purposes of enlistment).

MR. PARNELL moved, in page 49, line 35, to leave out "although he is not," and insert "provided he is."

Amendment *agreed to*.

MR. PARNELL said, he had a similar Amendment lower down; to leave out from "although he is appointed, &c.," down to "Act," in line 39, inclusive.

Amendment *agreed to*.

MR. O'DONNELL moved, in page 50, line 11, to leave out the sub-section. This paragraph was merely a survival of the time when there was no such thing as Foreign Enlistment Acts, prohibiting the enlistment of soldiers in foreign dominions. It was all very well for the House to say that soldiers should

be attested within the United Kingdom and the British Colonies; but it was a very difficult thing when it was done outside the limit of Her Majesty's Dominions; and, if he was not very much mistaken, they had no power to do anything of the kind. It was tried in Washington, during the Crimean War; but the United States Government objected, and the proceedings of the British Representative were very summarily stopped. There was hardly a country, at the present time, in the civilized world in which Foreign Enlistment Acts were not in vogue; yet, by this Act, they authorized an official, accredited to a particular Government, and bound to observe the rules of the country, and to respect the laws of the country, to violate these laws by enlisting soldiers. All these Governments prohibited foreign enlistments; yet this clause allowed the British Consul, or similar official, to violate that law. He, therefore, begged to move the rejection of the paragraph.

COLONEL STANLEY was quite aware that these powers were not put into very frequent use. At the same time, he did not think that a reason to strike them out of the Bill. Unless he had totally misapprehended the hon. Gentleman, he only referred to the enlistment of foreigners. This sub-section would apply to enlistment abroad of a British subject, and, therefore, subject to the enlistment laws of the country. Then, again, if he referred to the next clause, he would find that persons who were aliens might be enlisted up to a certain number in Her Majesty's Regular Forces. For both these cases, he apprehended, it would be necessary to have this clause; and he thought the words ought to be left in. Of course, the policy of Englishmen in foreign States was another question.

MR. PARNELL thought this was a very old-fashioned clause, entirely obsolete and out of date, and, therefore, one which might be done away with. The right hon. and gallant Gentleman had said that the powers given by it were not often exercised; but, for his part, he believed they never were, at any rate, since the Foreign Enlistment Acts. It would, certainly, be extremely dangerous to enlist even British subjects, for complications might arise. The right hon. and gallant Gentleman had

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referred them to the next clause, and asked them how they would enlist aliens, unless the Consul in foreign parts had this power? But it would clearly be a breach of the Enlistment Act to enlist an alien; and he presumed the object of Clause 91 was to enable the Government to enlist aliens in this country, or within the jurisdiction of Her Majesty. He really thought the right hon. and gallant Gentleman might give up the sub-section, for it was never used at the present time. It was exceedingly unnecessary, and, on more than one occasion, it had given rise to complications. He remembered that when Sir John Graham, at Washington, during the Crimean War, did take a prominent part in enlisting men in New York, and other American States, for the Crimean War, the United States Government complained; and their complaint had such force, that the Government found it necessary to recall Sir John Graham.

MR. O'DONNELL said, he would not divide on the question, if the right hon. and gallant Gentleman would undertake to introduce some words providing that this clause should not be used in any country where there was legislation against foreign enlistment.

COLONEL STANLEY said, it could not be.

MR. O'DONNELL, if that was so, would withdraw his objection.

Amendment, by leave, *withdrawn*.

MAJOR O'BEIRNE moved, in page 50, line 15, after "officer," to insert "on full-pay." If the right hon. and gallant Gentleman referred to Clause 166, he would find that amongst officers, under military law, were included officers on half-pay, retired-pay, and otherwise. It appeared to him very undesirable, if that was the case, that officers on full-pay should be prevented from attesting recruits; because they were the very officers who would be able to give a man information of the nature of the Service—what regiments were abroad, what regiments were likely to go abroad, and how long they were likely to stay. They would also be able to contradict any popular delusions which were prevalent with regard to the Army. There was one, very commonly believed for many years—that deserters were

branded with a hot iron. A man desirous of enlisting would be able to get correct information on such a subject from an officer who was serving in Her Majesty's Service.

COLONEL STANLEY said, when they came to Clause 166, he might have to ask the Committee to listen to some observations on the subject, dealing with the whole question of full and half-pay.

SIR ALEXANDER GORDON said, this Amendment had raised a very important question, and he conceived that the difficulty could only be settled by dealing with the whole question of half-pay. It had never been the custom for officers on full-pay, or, in other words, officers who were amenable to military law, to attest recruits. That had been held to be entirely a civil duty. If the Government intended to press the clause which put officers on half-pay under the Mutiny Act, they certainly must alter this clause. It was most desirable to keep enlistment in the hands of civilians; and, at present, officers on half-pay were considered to be civilians.

MR. PARNELL hoped the Government would accept the Amendment, because it really was very important that there should be an independent tribunal concerned in the enlistment of the recruits. Even officers on half-pay might have a bias; and it was very desirable that they should only have civil magistrates to deal with the matter. It would be far better than to leave the clause as it stood.

Amendment *negatived*.

MR. PARNELL asked whether the word "soldiers" meant only soldiers of the Regular Forces, or soldiers belonging also to the Auxiliary Forces? because, if it were the former, he should have to move, in line 16, to insert, after "soldiers," the words "of the Regular and Auxiliary Forces."

COLONEL STANLEY replied that if the hon. Member would look at Clause 180, he would see that the word "soldier" included—

"Any person belonging to Her Majesty's Regular, Reserve, or Auxiliary Forces, and who is, for the time being, subject to military law."

Clause, as amended, *agreed to*.

Special Provisions as to Persons to be Enlisted.

Clause 91 (Enlistment of foreigners and negroes).

MR. PARNELL moved to leave out the words—

"So, however, that the number of aliens serving together at any one time in any corps of the Regular Forces shall not exceed the proportion of one alien to every fifty British subjects, and that an alien so enlisted shall not be capable of holding any higher rank in Her Majesty's Regular Forces than that of a warrant officer or non-commissioned officer."

This was one of the old parts of the Mutiny Act, and it was entirely unnecessary now.

SIR GEORGE CAMPBELL said, this was a clause of somewhat antiquated character, and he hoped the right hon. and gallant Gentleman would give them some information on the subject. Whether it was desirable that the proportion of aliens to British subjects should be one in 50 was for the right hon. and gallant Gentleman to judge, and he would not express an opinion on the subject; but he wanted to know what was the exact meaning of the second portion of the clause, which said that negroes and persons of colour might be enlisted? What did the right hon. and gallant Gentleman understand by the words "persons of colour?" Did it include an Afghan, or did it apply to a Belooch, or an Arab? This was really a matter of very practical and pressing importance, for the Government must be very well aware that there were very many Afghans in Her Majesty's Service. They were, of course, principally employed in the Indian Forces, to which this Act did not apply; but there were many Belooches and Arabs employed by Native Powers on the coast of Africa; and, supposing Her Majesty should desire to employ on that coast a corps of these Belooches, which was an event not at all improbable, could she enlist them under the clause of this Bill? Were these words meant to draw a definite and intelligible line as regarded the question of persons of colour, or was it meant to apply to negroes alone? He should very much like to know what was the meaning of the law. Also, he believed some aliens were now employed as officers in Her Majesty's Service; and

he should like to know if it was the case that, while they might be employed as officers, an alien, when employed as a soldier, was debarred from ever rising to the condition of officer, under any circumstances whatever?

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that, in his opinion, the words "negroes, or persons of colour" meant a negro, or something like a negro—such as an octoroon or a quadroon—and that Arabs, and the other persons mentioned by the hon. Gentleman, would not come within the meaning of the clause. He would leave the question of the policy of the clause to the right hon. and gallant Gentleman the Secretary of State for War.

MR. PARNELL asked whether Zulus would come within the meaning of the term "person of colour?"

COLONEL STANLEY replied, that the term "person of colour" had always by custom been interpreted in the sense in which it was interpreted by the hon. and learned Gentleman the Attorney General. As regarded the policy of not allowing an alien to hold higher rank than warrant officer or non-commissioned officer, there had always been a considerable, and not an unnatural, jealousy against employing, in positions of trust connected with the Regular Forces, those who were not natives of the country. Personally, he saw no special reason why, under certain circumstances, aliens might not rise to ranks higher than those named in the Bill; but it had always been held that those ranks were sufficient to cover the ordinary run of men who were likely to enlist; and, inasmuch as the limitation had not been found to work unfavourably, he could find no reason for making the change in the clause which had been proposed by the hon. Member for Meath.

SIR GEORGE CAMPBELL said, it would seem to be a hard case that a negro, or a man of colour, should be precluded from arriving at the rank of commissioned officer. The hon. and learned Attorney General had given, no doubt, the best opinion as to the meaning of the words "person of colour;" but, from the tone in which it had been delivered, he (Sir George Campbell) thought it was one which admitted of very considerable doubt. He foresaw that great difficulty might arise if the clause was passed in its pre-

sent form. At the same time, it was very hard that Her Majesty's Government should be debarred from enlisting in the Colonies the persons to which it referred. Under the circumstances, therefore, he suggested that the clause should be postponed, with a view to its further consideration.

SIR WILLIAM HARCOURT pointed out that the clause only applied to the Regular Forces; and that, if the limitation of number was withdrawn, the Crown might be able to bring into this country Forces mainly composed of aliens, which he, for one, did not wish to encourage, or see done. It was all very well to allow the Colonial Forces to be recruited by Natives; but, by constituting the Regular Army of aliens, they might have a Force like the Turcos brought into England, which, in his opinion, the people would not like. He was certainly unwilling to give the Secretary of State for War such a power. He did not think that the Proviso gave unlimited power to enlist negroes, but that it was to be read with the principal clause in the sense that if the negroes were aliens they were to be limited in number. There was no greater licence to enlist alien negroes than any other people who were aliens. The Proviso had been only put in its present form to prevent these persons being treated as slaves; it was, practically, a provision against slavery. In his opinion, the Proviso was subject to the limitation in the principal part of the clause, and he could see no reason why any power should be placed in the hands of the Crown to fill the ranks of the Regular Army with aliens when brought into this country. Therefore, for his own part, he proposed to admit the clause as it stood.

MR. O'DONNELL read the clause as not guarding against the possibility suggested by the hon. and learned Member for Oxford (Sir William Harcourt). It appeared to him that the clause might be passed; and yet that the Regular Army might, practically, be crammed with persons who, in race and sentiment, were really aliens. Were not the Punjabees, Ghoorkas, and other British subjects in India, aliens? He thought there would be a very strong feeling in this country against having the martial races of India in the Regular Army; but the Government could get any quantity of these people, who, as soon

as their territories were added to our Empire, ceased to be aliens, and could be crammed into the regiments. He quite agreed with the hon. Member for Kircaldy (Sir George Campbell), that the term "person of colour," made use of in the Proviso to the clause, was singularly obsolete and difficult, and that it ought not to be introduced. At the time this Proviso was originally made, negroes everywhere outside the British Dominions were liable to be treated as slaves, and an Act was, therefore, passed to say that whenever a negro enlisted in the Army he should be treated as a British subject. Now, however, a negro might be a fully protected citizen of the United States, and to treat him as a British subject might involve very unpleasant consequences. He thought the first part of the clause might be allowed to pass without amendment; although he felt it to be ungenerous, after allowing aliens to enter the ranks, to say they should not rise higher than the rank of warrant officer, or non-commissioned officer. But the fact was, a number of German gentleman, connected with the Royal Family, who, but for that connection would be aliens, were not only officers, but held positions of command in the Army. He spoke with the utmost respect for the Royal Family, and treated this question quite seriously; but could not help thinking that this system might not merely be limited to connections of the Royal Family, but extended, say, to numbers of the Polish nobility in exile here, or others only technically aliens. Provision ought also to be made by a new clause against the enlistment of the Natives of India in the Regular Forces. He intended, at the proper time, himself to propose to amend the clause relating to negroes, by leaving out the word "although," in line 27, and inserting, after the word "dominions," in line 28, "in a country where slavery prevails." He could not but think that the Government would withdraw what seemed to be an ungenerous restriction against coloured aliens being rewarded for their services in saying that they should not rise higher than the rank of non-commissioned officer. If the Government would consent to strike out that limitation, the limitation as to number might be agreed to.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that he was in-

clined to think that any number of alien negroes might be enlisted, and might serve; but the hon. and learned Member for Oxford (Sir William Harcourt) having interpreted the section in a contrary sense, he was doubtful whether or not he (the Attorney General) had placed upon it a right construction.

MR. RYLANDS said, the matter was one about which there ought to be no doubt whatever. His disposition was to bow to the opinion of the hon. and learned Attorney General; but, at the same time, he could not but think that the opinion of the hon. and learned Member for Oxford was deserving of consideration. But, seeing no object in pressing the clause forward at that moment, he thought it should be postponed. He could not understand why, if aliens were allowable in the Army, any restriction should be placed upon their promotion, although, of course, he could see why their number should be limited. He suggested that the clause should be postponed, and re-drafted in a manner which would leave no room whatever for doubt.

SIR WILLIAM HARCOURT doubted whether the Proviso was wanted; but hoped it would not be necessary to postpone the clause.

COLONEL STANLEY thought that the Proviso might be dispensed with, if the Committee saw no objection to that course; but, perhaps, he might be allowed to make a note of the point, in order to see what was its real bearing, and refer to it on Report. With regard to aliens not being allowed to rise to higher rank than that mentioned in the clause, if the Committee were in favour of striking out the words in question, he had no objection. He admitted that the system of allowing them to rise higher in the Service might be open to abuse; but he confessed that he went a little further than some people, in the hope that such persons might be found fitted to rise in the ranks. The Committee would have to bear in mind that Parliament had passed a special Act for the purpose of dealing with foreign legions.

SIR WILLIAM HARCOURT held that if these words were struck out the Crown might make all the aliens in the Regular Forces, in the proportion of one in 50, officers at once. The question involved a good deal more than the promotion of aliens to the rank of officers;

and he was too old a Whig to give the Crown such unlimited powers. No wonder the Secretary of State for War was ready to accept these powers. There was no Secretary of State for War who would not be willing to receive such a boon at the hands of the Liberal Party. The hon. Member for Burnley (Mr. Rylands) would really be giving power to the Crown which, since the days of William III., had never been heard of for a moment. He (Sir William Harcourt) was much too old a Whig to hear of such a thing.

MR. RYLANDS thought, after listening to the arguments of the hon. and learned Member for Oxford, that the Amendment had better not be made.

SIR GEORGE CAMPBELL wished to ask, whether, at the present time, an alien could be appointed by commission in the British Army?

THE ATTORNEY GENERAL (SIR JOHN HOLKER) expressed the opinion that aliens could not be appointed officers by direct commission without having first ceased to be aliens.

MR. PARNELL said, the provision, after all, appeared to have been introduced for the purpose of guarding against a state of things in English history which was not likely to re-occur. On the other hand, there were dangers existing, and which were likely to exist in future, which could not be guarded against. It had been pointed out that they might have negroes, Zulus, and all kinds of people in the Regular Army if his Amendment were accepted; but there was nothing in the world which would prevent our having them in the Regular Forces now—that was to say, as soon as they become British subjects. When Zululand was conquered, there was no reason why Zulus should not enter the Army; and all that was necessary to their obtaining the highest position in the regiment was that they should become naturalized British subjects. He referred to this subject, in order to show that the possibility involved in the objections taken to his Amendment existed already. Many persons had so risen in the Service; and, owing to the vast extent of the Empire, there was hardly a people of colour in the world who could not be brought into the Army, if the Government felt so inclined. It was clear that the Committee were asked to retain as

old provision of the Mutiny Act, merely because it was devised against an old danger.

Amendment, by leave, *withdrawn*.

MR. O'DONNELL did not think the object of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) would be gained by the limitation upon aliens which existed in the clause, which provided that none of those persons who enlisted as private soldiers, no matter what might be their country, could become officers. The hon. and learned Gentleman had said that the clause guarded against aliens being brought into this country in the Regular Forces. But it was held that Her Majesty could naturalize an alien, and that a naturalized subject could become an officer; so that any number of these foreigners getting naturalized could be made officers, and the provision would not apply, because they were not aliens when they were made officers. Therefore, he (Mr. O'Donnell) ventured to say that while this clause did effectually bar the promotion of aliens who entered the Service as privates, it did not at all affect the possibly large number of aliens who might be first naturalized, then made officers, and afterwards raised, by the favour of the Crown, to the very highest ranks in the Army.

SIR WILLIAM HARCOURT pointed out that a foreigner, except by special Act of Parliament, could not be naturalized unless he had been resident in the country for five years.

MR. O'DONNELL replied, that having satisfied that condition, and being capable of naturalization, they could become officers, and, therefore, no safeguard was given under the clause. He ventured to point out that while there was distinct power in the clause against the promotion of poor men, there was really none against any number of well-born foreigners being made officers; and the opinions of these might be just as disagreeable to the country as those of poorer men.

SIR GEORGE CAMPBELL thought it would be very desirable that it should be made clear that the restraint on Her Majesty against employing alien officers should not be confined to the ranks; and, therefore, he would propose to leave out the words "so enlisted," in line 24, page 50, which would prevent any alien,

whether appointed from the ranks or by commission, from holding the position of officer in the Regular Forces.

COLONEL STANLEY saw no objection to leaving out the words.

MR. BIGGAR thought that no aliens should be allowed to enter the Army at all. At the time of the Crimean War he remembered to have seen the German Legion, and from their appearance he was by no means impressed with the idea that it was a good thing to have them serving with the Army. On the contrary, he came to the conclusion that the money spent upon them had been thrown away. He held that the Army should be a British Army, and not an Army of aliens, either in a large or small degree, and thought that it would be best to withdraw the clause altogether.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, there was great force in the observations of the hon. Member for Kirkcaldy (Sir George Campbell); but he trusted that the Amendment would not then be pressed. Perhaps the hon. Member would allow the matter to stand over until the Report; and, in the meantime, it should be considered.

SIR GEORGE CAMPBELL desired nothing more than that the clause should be made clear. He had no opinion, one way or the other, with regard to it.

MR. PARNELL suggested that the clause should be withdrawn, and that Sir Henry Thring should be allowed to exercise his great talent upon it; the Committee would then have a clause in the Bill which would meet the exigencies of the present day. He did not agree with the proposal of the hon. and learned Attorney General, that the clause should be postponed for further consideration, because the Committee would not be able to consider it on Report at all. If any Amendment was necessary, he was sure that Sir Henry Thring would produce a clause that would be satisfactory to the Committee.

SIR GEORGE CAMPBELL said, it was only a question of drafting, and the matter could be left until Report; but he asked the Government seriously to consider whether they were prepared to withdraw the latter part of the clause, which related to persons of colour; because if it was left out of the Bill it would, in his opinion, be quite impossible to keep up the Colonial Forces.

COLONEL STANLEY said, the points raised were matters of drafting, as had been very truly pointed out by the hon. Member for Kirkcaldy (Sir George Campbell); but they were of a kind that it would not be safe to introduce at a moment's notice. He should be better satisfied to look into the whole question before Report, and preferred that the Amendment should stand over.

Amendment, by leave, *withdrawn*.

MR. O'DONNELL said, he had to move an Amendment, at the end of line 26—namely, to add the words—“And the same restrictions shall apply to Natives of Asia and Africa, not of European descent.” If the country was not to have aliens in the Army, he could not see why there should be any distinction made between technical aliens belonging to a foreign country and the large masses of people without any sense of loyalty to our Government, except a mere acquiescence in the authority of that which was strong. He held that these were as much aliens as the former; and failed to see why the Secretary of State for War should not immediately admit that the same restrictions with regard to the admission of aliens should also apply to the admission of Asiatics or Africans in the Regular Army. The Punjaabee, Ghoorka, Mahratta, Kaffir, or Zulu—all these people might become our fellow-subjects technically, but they should not be eligible for service in the British Army; because its character would be disordered by the presence of any considerable number of such men. He, therefore, thought it worth while to provide against the introduction of the Natives of Asia and Africa who, though technically our fellow-subjects, were, in reality, nothing of the kind.

COLONEL STANLEY thought it would be a mistake to insert the words proposed, which would give rise to great difficulties in the attempt to settle whether the persons in question were of European descent or not. The endeavour to trace the genealogy of a negro would be a matter involving some difficulty.

MR. PARNELL said, the Amendment guarded against a more practical and serious danger than that which was guarded against by the clause—namely, the bringing over of the Natives of India or South Africa and their enlistment in

the regular regiments, as well as their forming part of the garrisons in those countries. There was nothing to prevent regiments from being filled up with Natives and being brought back to this country; and in that way, practically speaking, a very much more dangerous power was given to the Crown than that which the clause sought to guard against. The power given to the Government to enlist aliens, in the proportion of one to every 50 British subjects, was most objectionable; but as the question was a novel one, he suggested that it would be better to give Notice of a new clause, so that the Committee might have an opportunity of considering whether it was right to leave to the Crown the power of recruiting to any extent in South Africa, or in any other Colony which we might annex.

MR. O'DONNELL proposed to amend his proposed Amendment, by leaving out the word “descent,” in order to insert the word “parentage,” which would render unnecessary the genealogical researches alluded to by the Secretary of State for War.

SIR WILLIAM HARCOURT said, this would not entirely remove the difficulty, because the parentage of Natives was sometimes doubtful. He wished to point out an important consideration bearing upon this matter. Hon. Members were aware that each country engaged that its subjects should not enlist in foreign Armies. The consequence of this would be that if aliens were enlisted in the Army, the Government to which they belonged would have the right of recalling them from the Service at any time; and no Government could refuse this demand, because it would be a violation of neutrality to do so. This would be a conclusive reason why, at the very moment they wanted them, aliens would have to be dismissed from the Service, and a very strong reason why they should not become officers in our Army; because if they found the regiments deprived of their officers by the demand of a foreign Government, it would destroy their organization altogether. Therefore, he thought this legislation with regard to aliens must be maintained. He was as unwilling as anyone to see this country filled with regiments of Ghoorkas, enlisted as British subjects; but Parliament had always its controlling

hand upon them, and therefore he was not afraid of that occurring. He objected to the Amendment on the ground that it drew an invidious and odious distinction between different classes of British subjects.

Amendment, by leave, *withdrawn*.

MR. O'DONNELL moved to leave out the word "although," in page 50, line 27, and after the word "dominions," in line 28, to insert the words "in any country where slavery prevails." This would merely have the effect of bringing the section down to the requirements of the present day. When the section was first passed there was a chance that a person of colour, born outside Her Majesty's Dominions, might be treated as a slave; but that was now impossible in most civilized States. The Proviso, as it stood, would raise the difficulty mentioned by the hon. and learned Member for Oxford (Sir William Harcourt); and they might have a demand made upon them by foreign States for the return of persons of colour serving in the ranks of our Army; and he (Mr. O'Donnell) could not see why an alien negro should have the powers which were denied to an alien European.

Amendment proposed, in page 50, line 27, to leave out the word "although."
—(Mr. O'Donnell.)

Question proposed, "That the word 'although' stand part of the Clause."

SIR WILLIAM HARCOURT again asked the Government to re-consider their decision in this matter. There was no reason whatever to place negroes, or other persons of colour, in a different position to other aliens. If they were British subjects, they could be enlisted like other British subjects; and if they were not British subjects, they must be aliens, and should be treated as such. He could not see why a special provision was necessary to deal with persons of colour, or why negroes were to be treated in a different manner from white men. So far as he could see, the clause only provided that every negro, or person of colour, born out of Her Majesty's Dominions, who had enlisted, should be entitled to all the privileges of a British subject. He must again repeat that if negroes were British subjects, no special authority was needed to

enlist them, for they could be enlisted like anyone else; and if not British subjects, they must be aliens, and their enlistment should be governed by the general provisions relating to aliens. This Proviso was founded on the 56th clause of the old Mutiny Act, and was totally unnecessary.

SIR GEORGE CAMPBELL trusted that if the Government could not see their way to altering this clause now, they would give an assurance that, if possible, it should be done upon Report. They might debate all night upon this matter without coming to any satisfactory conclusion, as things stood at present. He thought it was very desirable that the Government should make up their minds upon this matter, and decide this question one way or another.

MR. PARNELL was of opinion that this clause should be postponed. There was some reason why the clause should be altered from the way in which it originally stood, because when the provision in the Mutiny Act, upon which it was founded, was passed, slavery existed in many parts of the world. Probably, the reason for this clause in the old Mutiny Act was that it enabled slaves to escape, and, by enlisting, obtain protection in the British Army. But, as it stood at present, the Proviso did not accomplish that object; and, really, it was only a compromise between the draftsman of the Bill and the Government. The Government appeared to want to retain the old form, and the draftsman seemed to have inserted it, although with the opinion that it was absolutely unnecessary; and so between the two a hash had been made. He thought there was considerable force in the argument of the hon. Member for Dungarvan (Mr. O'Donnell), and perhaps it would be well to retain a power to enlist slaves who had escaped from countries where slavery existed, and had enlisted into the British Army. The hon. and learned Member for Oxford (Sir William Harcourt) was of opinion that the Proviso was totally unnecessary, and, in his opinion, seemed to be based upon the idea that slavery did not exist at all. Under the circumstances, he thought it would save time if the clause were postponed until the Government had made up its mind as to what to do in the matter. He should, therefore, suggest

that the Government should postpone the clause, in order to save further discussion then.

MR. O'SHAUGHNESSY said, that it seemed to him that they could do without the introduction of this clause into the Bill, as they had ample power already to enlist persons from countries where slavery still prevailed. The Proviso only gave persons who enlisted in the British Army the privilege of British soldiers while serving with the Colours. He did not think that there was any necessity for doing that by this Proviso.

MR. O'DONNELL said, that this clause only threw the protection of British citizenship around the negro while actually serving in the British Forces. When the negro had served in the British Army, and had left it, the protection of British citizenship should be around him still, in any part of the world in which he might settle. It seemed very ungracious to say, as this clause in effect did, that negroes should be protected while serving in the British Army, but when they had left our Service they might be compelled to fall back into slavery. He did not think that could be the intention of the Government, and thought the best plan would be to omit this Proviso.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that the right hon. and gallant Gentleman the Secretary of State for War had promised to consider this clause before Report; and if he arrived at the conclusion that it ought to be left out, then it would be left out of the Bill. There were some points in connection with this Proviso which had not been touched upon by his hon. and learned Friend the Member for Oxford. It might be that the meaning and intention of this Proviso was that a greater number of negro aliens should be allowed to enlist in the Army than the proportion provided in the former portion of the clause—namely, one alien to every 50 British subjects. But, still, it was desirable that there should be inquiry into this matter; and he would not express any definite opinion as to the clause. If there were ultimately found to be no practical necessity for the provision, and no necessity for enlisting a greater number of negro aliens than one in 50, then he thought that the Proviso might be altogether

dispensed with. It was a subject which required reflection, and Her Majesty's Government ought to have an opportunity of consulting those practically acquainted with the matter before coming to any decision upon it. The hon. Member for Dungarvan (Mr. O'Donnell) seemed to consider that if the negro subject of any foreign State entered Her Majesty's Service, he would only be entitled to the privileges of a British subject while actually serving in Her Majesty's Forces. No State could complain of one of its subjects, while serving in Her Majesty's Army, being entitled to the same privileges as a British subject. The clause, however, did not make such persons British subjects, but only gave them certain rights while serving in Her Majesty's Army. It seemed to him that the suggestion of the right hon. and gallant Gentleman the Secretary of State for War, to consider this matter and to deal with it on Report, was reasonable; and he hoped that the Committee would allow the clause to be passed on that understanding.

SIR WILLIAM HARCOURT said, that if the hon. Member for Dungarvan pressed his Motion to a Division, he should certainly vote with him. This Proviso was, so far as he could understand, contrary to every principle of International Law. It declared that the negro should be liable to be enlisted into Her Majesty's Army, and be entitled to all the privileges of a natural-born English subject, and in that way he was placed in a different category from any other alien. Let them take the case of a white American, and of a black American. The white American was an alien as to whom it was not declared that he could be lawfully enlisted, and enlisted to the privileges of a natural-born British subject; but if a black American were enlisted, he was made subject to an entirely different rule. With reference to an American subject, the American Government could say that he was a citizen of their State, and should not be enlisted, and must be allowed to return to his country. There was nothing whatever in this clause to prevent that being done in regard to a white American; but the black was dealt with in an entirely different way. If the intention of the clause was to deal with every citizen of

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foreign States as a natural-born British subject, the Government were entirely wrong. They had no right whatever to enlist a black American subject, and to put him in a different category to other aliens. If the Government contested this point, he should go to a Division against them.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that his hon. and learned Friend was quite right in saying that the same provision should be applicable both to white and to black aliens. The difference that existed between the two was this—that there was a practical necessity for allowing a greater number of alien negroes to enlist in the Army than of any other kind of aliens. That was the practical question which his right hon. and gallant Friend would have to consider. It did seem to him to be eminently reasonable to allow this clause to pass, and then to let the Government see whether the Proviso could be altogether dispensed with and struck out.

SIR GEORGE CAMPBELL said, that, no doubt, the object of the provision, with regard to negro aliens, was not so much with regard to enlistment in America as in certain Colonies in the West Indies. In his opinion, this clause was perfectly unworkable, and he should vote for its rejection, unless an undertaking were given that it should be dealt with on Report.

MR. O'DONNELL said, there might be some necessity for making provision for the enlistment of negroes into West India regiments. The negroes who would be enlisted into these regiments would be, many of them, persons who had escaped from barbarous States where slavery still prevailed. There was no reason to enlist black aliens belonging to the United States of America. The Amendment, which he was desirous of proposing, provided for this contingency, and exactly met the case of negroes born out of Her Majesty's Dominions, and in a country where slavery prevailed. By that provision the enlistment of negroes from the United States would be prevented; but they would be enabled to enlist the subjects of the King of Dahomey, or the King of Bonney, or other countries where slavery now existed. There was nothing in international comity which should make them protect the claims of slave holders.

Question put.

The Committee divided:—Ayes 65; Noes 18: Majority 47.—(Div. List, No. 139.)

MR. O'DONNELL did not wish to move another Amendment then; but he should like to ask for some explanation as to the manner in which negroes who had been enlisted into the British Army were to be treated after they had left the Army. It was provided that negroes from slaveholding countries were to be treated as natural-born subjects, so long as they were in our Forces. He should like to know whether the right hon. and gallant Gentleman would insert a Proviso that a negro who had passed through our Service should afterwards retain the privileges of a natural-born English subject? If this country protected the negro while he was in its Service, it ought also to protect him afterwards. He might be a pensioner, and consider himself still in the Service of this country; but if he had served any time in the British Army, he ought always to have the protection of a British subject around him.

COLONEL STANLEY said, he had no objection to take the point suggested by the hon. Member into consideration. He could not, however, give any promise with regard to the matter now, for it would involve some very nice principles of International Law if any alteration were made. The hon. Gentleman would observe, however, that a man while serving in the British Army acquired the status of a British subject, but was not made one. He would, however, consider the point of International Law which arose in the matter.

Clause agreed to.

Clause 92 (Liability of apprentices enlisting) *struck out*.

Clause 93 (Claims of masters to apprentices) *agreed to*.

Clause 94 (Application of apprentice provisions to indentured labourers) *agreed to*.

Offences as to Enlistment.

Clause 95 (Penalty on unlawful recruiting) *agreed to*.

Clause 96 (Recruits punishable for false answers).

MR. PARNEILL said, that he had a small Amendment to make in this

clause. It was provided by the clause that any person who made a false answer to any question in the attestation paper should be liable to certain punishments. He thought it would be right to insert, after the word "person," the word "wilfully," in order to provide that the false answer to be punishable should be wilfully made.

MR. ASSHETON CROSS said, that he did not like the word "wilfully;" but if the hon. Gentleman would withdraw that Amendment, he would consent to insert the word "knowingly."

Amendment (*Mr. Parnell*), by leave, withdrawn.

Amendment (*Mr. Assheton Cross*) agreed to.

MR. PARNELL said, he had a further Amendment to propose—namely, to leave out the words "at the discretion of the competent military authority." The clause would then run—

"If a person guilty of an offence under this section has been attested as a soldier of the regular forces, he shall be liable to be proceeded against before a court of summary jurisdiction, or to be tried by court martial for the offence."

His reason for moving to omit those words from the clause was to provide that every person who had been enlisted should not be tried before a military court for an offence committed before his enlistment. He should move, subsequently, an Amendment to insure that the offender was only prosecuted before a court of summary jurisdiction. It could not be right that a person who was entirely ignorant of military law should be punished by a military tribunal.

MAJOR NOLAN said, that the Amendment seemed to him to be much the same as the present Mutiny Bill; but, so far as his recollection went, a person who committed an offence under this section was usually only tried by the military authorities after being six months in the Army. He believed that Clause 48 of the Mutiny Act was similar to this provision. He thought that if the present practice were made the law, and words were introduced into this clause providing that where an offence was discovered before six months had elapsed, it should be dealt with by the Civil Courts, and, after that time, twice by the military authorities, then practical

justice would be obtained, and they would be keeping to the old rule.

MR. A. H. BROWN remarked, that when an offence was discovered and punished immediately after attestation, the civil courts would probably deal with it; but, where it was only discovered when the offender had been some time in the Army, then the offence would be dealt with by the military authorities.

MR. ASSHETON CROSS said, he was much of the same opinion as the hon. Member who had just spoken.

MR. PARNELL thought that the hon. and gallant Member for Galway (Major Nolan) had mistaken the intention of this Amendment. His object was to provide that, in the case of a person who had not been a soldier, but had only been attested, that he should be tried by the civil authorities, instead of the military authorities. A man, who was not a soldier at the time he committed the offence, ought not to be tried by any but a Civil Court. He might observe that there were offences which this Bill made triable by a court martial which could very well be tried by Courts of Civil Judicature. He did hope that the right hon. Gentleman the Home Secretary would agree to the Amendment; for it was a very reasonable thing to say that when a recruit made a false answer on his attestation paper, before the process of enlistment was completed, he should be punished by a Civil Court.

MR. ASSHETON CROSS would be very sorry if the old manner of enlistment were revived. The whole process of enlistment had now been so completely altered, and had been surrounded by so many safeguards, that he did not think that there was the smallest necessity for this Amendment, and he, therefore, hoped that it would not be pressed.

MR. BIGGAR agreed with his hon. Friend the Member for Meath, in thinking that it was only fair that the Civil Courts should try a man for an offence committed while he was still a civilian.

MR. O'SHAUGHNESSY was very much of the same opinion as the hon. Member for Wenlock (Mr. A. H. Brown). Supposing a man was discovered to have committed the offence within six months after the attestation, it might be provided that he should only then be tried by a Civil Court; but that if discovered at the end of six months, then there was no reason

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why he should not be dealt with by a competent military authority, who might send him over to the civil tribunal, or deal with him itself.

MAJOR NOLAN observed, that the only false answer that could be practically given, under this clause, would be the answer with respect to age. Other false answers in the attestation paper would be dealt with under other clauses, by which much more heavy penalties were inflicted. The matter was not, therefore, of much practical importance.

MR. O'DONNELL remarked, that under this Bill severely graduated penalties were provided to follow conviction by courts martial. Under Clause 80, a man who was sentenced to a certain term of imprisonment was liable to general service, and might be sent abroad—that was, he would be made to undergo penal servitude. There was a danger, if this clause were retained, that the court martial might give a man sufficient imprisonment to qualify him for penal foreign service, in addition to his sentence. There was a great tendency in the Bill to attach penal consequences to sentences by courts martial. A man would find, under the Bill, that the result of having got so much punishment was that he was liable to other penal consequences of some kind. Therefore, he thought that they ought to provide, by this clause, that an offence committed while a man was a civilian should be dealt with, not by a court martial, but by a civil tribunal.

MR. PARNELL suggested that the period should be limited to six months, and that a Proviso should be inserted, securing that the offence should also have been discovered within six months; otherwise, they might have a military authority discovering the offence, and yet not bringing the man to trial within six months after. He begged to withdraw his other Amendment.

Amendment, by leave, withdrawn.

MR. O'CONNOR POWER observed, that this discussion had suggested to him an Amendment which appeared to be very necessary in this clause. He would suggest that the word "soldier" should be substituted for the word "person," and that would make it clear what they aimed at. The sub-section would then run thus—

"If a soldier guilty of an offence under this section has been attested as a soldier of the regular forces, he shall be liable, at the discretion of the competent military authority, to be proceeded against before a court of summary jurisdiction, or to be tried by court martial for the offence."

He thought that carried out the original intention of the clause.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) pointed out that in the Definition Clause this point was dealt with.

MAJOR NOLAN observed, that when they did come to the definitions, they would have to go back a very long way. The Solicitor General was perfectly right in saying that at present the clause did include this matter; but the word "soldier" would probably give rise to a very important discussion; and, therefore, they ought not to trust much to the present definition. He was sure they would have very great difficulty when they came to the Definition Clause.

SIR ALEXANDER GORDON would really like to understand whether the recruit was liable to be taken before a magistrate and sworn in the very minute that he had been enlisted, and that no time at all was to be allowed for reflection? It was a very serious change to make; for ever since the year 1688 it had always been laid down that 24 hours must pass before the attestation. That was contained in the very first Mutiny Act passed after the Revolution, and it had been retained in all of them since. Many a young man might be inveigled, against his will, into the Service, if he was carried in this way before a magistrate at once, before he had time to turn himself round and think over what he had done. He did not understand this fully, nor until he heard the remark made a few moments ago.

COLONEL STANLEY replied, that the point was very fully discussed when the clause was before the Committee, and it was then adopted unanimously. Formerly, a man was allowed 24 hours' notice; because what was held to be the act of enlistment then was slipping a shilling into his hand. He himself thought that system of keeping a man hanging about 24 hours before he was attested was very objectionable; and he proposed to make the legal enlistment date from the attestation—from the time when the recruit went before the magistrate in the Court and made a civil engagement to

serve the State. They could not go back, of course, to that question now; but, for his part, he saw no reason why there should be restrictions upon that contract, any more than on the making of any other contract. There, certainly, was a reason for this change. A lad might be half drunk, and he had a shilling slipped into his hand; the sergeant clapped him on the shoulder, and said—"You are enlisted to serve the Queen." He did not say that was the custom; but he was speaking of abuses which arose. But, under the present system, a man went before the magistrate at even, perhaps, five minutes' notice, and declared himself ready to serve the Queen, and there was no reason why he should not do so; but, then, the very important right was given him of going away within three months on payment of his expenses.

THE CHAIRMAN pointed out that the question raised by the last two speakers was dealt with by Clause 77, which had already been passed, and was not now before the Committee.

MAJOR NOLAN said, that he was going to speak on that point, but, of course, he would not now do so; although he wished to say that he was entirely with the Government in their proposals, and only regretted that they did not accept his Amendment, making it imperatively necessary that a magistrate should not enlist a man if there was any sign of liquor. Probably, a verbal mistake in the clause had led to some confusion as to the words "or attested as a soldier of the Regular Forces." Formerly, there were two words "attestation" and "enlistment." Three-fourths—probably, nine-tenths—of the officers in the Army never knew the difference between the two, although it was always cropping up. They were now about to abolish the attestation, because they were now making the enlistment what was formerly the attestation. Yet they retained the same phraseology that was in use in the old Mutiny Acts throughout this Bill, and sometimes they called it attestation, and sometimes enlistment, without making any distinction. The enlisted soldier was sometimes drunk. The attested soldier was invariably so, now that the two processes had been rolled into one. It was of immense importance that they should do away with the drunken stage altogether; for he did not suppose that

one-tenth of the soldiers at the present time were drunk, or anything like it. They ought to get rid of the old phraseology, and either one term or the other should be adopted throughout the Bill.

COLONEL STANLEY quite agreed with the hon. and gallant Gentleman. He would look into the matter, and decide on it before the Report. If the attestation was not complete, the recruit's status as a civilian remained; but if he was attested, and an offence turned out to have been committed in this section, then he had become a soldier, and could be proceeded with under another clause.

MAJOR NOLAN said, as the right hon. and gallant Gentleman had gone three-fourths of the way with him, he might as well go the whole distance. There was no payment of enlistment left now, for a man was not enlisted at all, unless he was attested.

MR. O'CONNOR POWER must acknowledge, with all humility, that he really did not know whether the hon. Gentlemen who had addressed the Chair were in favour of his Amendment or were opposed to it. He should like to know really what had become of his Amendment during all these negotiations?

MR. PARNELL observed, that he would oblige his hon. Friend by speaking to the Question; but, really, this question of Amendment had actually a good deal to do with the Amendment. They had entirely changed the system of enlistment. Instead of the sergeant meeting a recruit and giving him a shilling, and 24 hours elapsing before attestation, what now happened? The sergeant met a likely recruit, and said—"Will you enlist in Her Majesty's Service; it is a very splendid Service; there is great glory to be got in all parts of the world, and you will be a General in a very few years?" The recruit said "Yes;" and, thereupon, the sergeant gave him this form, which was to be drawn up by the Secretary of State for War, and then said—"Now, come before the magistrate." They went straight before the magistrate, without giving any opportunity of reading the form, or of understanding it, or of comprehending the nature or the extent of the questions raised in the form. Then, when they were before the magistrate, it was his duty carefully to explain, and to see that the recruit understood it; and, he would ask all

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practical and reasonable men whether it was likely, under the circumstances of the case, whether any magistrate would be able to know whether the recruit understood these questions or not? He knew that if he were a recruit he would defy any magistrate to find out if he understood them or not. If he were to enlist, he should not trouble about the form one way or another; but he should say "Yes" to all the questions, and make him suppose he thoroughly understood all that was asked of him, and knew all about it. That would be the case with the recruits who were not very ignorant; but when they were ignorant, it would be impossible for the magistrate to explain to them the nature of the questions he had to put; and it would be equally impossible, even if he tried to explain them, for the recruit to understand them. From the very nature of the case, the magistrate would have to be satisfied with a very perfunctory discharge of his duty, even supposing he were an experienced magistrate, which, in all probability, would not be the case. And supposing that he had been in the habit of explaining these forms to recruits, which was very unlikely, it would be almost impossible for the magistrate to explain, really and fully, the nature of the engagement the man was making. Therefore, he thought it both important and necessary that the recruit should have the power of studying these forms for himself. If it was explained to him he got out of his depth at once, and had no chance whatever of understanding it. They must all have noticed that in reference to servants. It was the case also with clergymen. They preached long sermons on certain texts; and although they had been brought up to the Church, they were just as wise at the end of a sermon, as to the meaning of the texts, as at the beginning; whereas, if they had the opportunity to spell it out quietly for themselves, they would have been able to come to some reasonable conclusion. So it would be with the recruits, if they deprived them of the opportunity of studying these forms, and sent them before the magistrates without any interval whatever; and yet they committed them if they made any false answers. That was not reasonable; and it was not reasonable also to subject a man to the pains and penalties of a court martial. They, at least, ought to

give him the opportunity of being tried by men of the same status as himself. They ought not to create the extraordinary inconsistency of making a man subject to an Act of Parliament of which he was, by the nature of the subject, entirely ignorant, and so to bring him under the operation of the military law. By this clause they made persons into soldiers, who had gone through the form of attestation, subject to military law for an offence which they had committed through ignorance.

MR. WHITWELL remarked, that the hon. Member got up with the assurance that he was going to speak to the Amendment before the Committee; but he was very much afraid that he had not made a single allusion to it. He himself had had some experience in attesting soldiers, and he had never found that there was any difficulty in the recruits understanding the questions; while he always made himself perfectly sure that they had understood them before he swore them in. He did not apprehend that any difficulty would arise. At the same time, he did think it a serious matter to make a man liable to be tried by a court martial at once, the moment he was sworn in, and without experience.

MR. O'SHAUGHNESSY was sorry to trouble the Committee again; but he did not think the clause would read. In the first place, a man was spoken to by a recruiting sergeant. He agreed to enlist. He went before a magistrate and was attested. Now, in the second part of the clause, they had a provision that—

"If a person guilty of an offence has been attested as a soldier of the regular forces, he shall be liable, at the discretion of the competent military authority, to be proceeded against before a court of summary jurisdiction, or to be tried by court martial for the offence."

Now, what was the use of introducing the first part of the clause, which introduced a procedure which must be called into action within the five months of the bringing of a recruit before the magistrate? If he was correct, the first part of this clause was inapplicable. It was meant to be brought into effect after the conversation between the recruiting officer and the recruit. He would go further—

"If a person makes a false answer to any question contained in the attestation paper, and

read or put to him by or by direction of the justice before whom he appears for the purpose of being attested," &c.

It was quite plain he must make the false answer in the attestation paper, and if it was made there must be an answer made after he was attested. But that was a matter altogether dealt with in the second part of the clause; and what, then, was the use of the first part? It evidently referred to a false statement knowingly made in the regular attestation, because it was not merely a false statement made knowingly in the attestation paper, but also a false answer to the questions put to him by the justice before him. It appeared, therefore, they were dealing, in the first part of the clause, with a matter which was dealt with in the second part of the clause.

MR. A. H. BROWN thought the hon. and learned Member was not quite correct. The first part of the clause dealt with the case where a man came before a Justice of the Peace for the purpose of being attested. In the course of questions put to him by the justice, the magistrates found out that the man was making knowingly false answers. But the recruit had not been attested when the magistrates discovered these answers were knowingly false; for if the hon. Gentleman would look to Clause 78, he would find that the recruit was not attested until after the answers had been given and the man had been sworn. Consequently, if the Justice of the Peace found that the man was making false answers knowingly, the man could then be tried under the first part of the clause; but after he had made these false answers, and had been sworn in, he came under the second part of this clause; and, under it, he could be tried by court martial, or by a court of public jurisdiction. The real difference in the two was this—that after the discovery that a man had made false answers in his attestation, within six months, he was sent to the civil power to be tried before a Court of Summary Jurisdiction; but if the discovery was made after the six months, then he was tried by a court martial. He believed the clause to be very simple and well-worded.

MR. PARNELL observed, that this explanation only put them in a more extraordinary position. If the magistrate interrupted the attestation, and refused, in fact, to enlist a recruit, the

first part was entirely illusory. If he found that the man was making a false statement in the preliminary process, he stopped it, refused to put any more questions, according to the clause, and sent the man before a Court of Summary Jurisdiction to be tried for the offence; but where in the clause was the power of the magistrate to do that? It did not appear anywhere, as far as he could understand. According to the clause, the magistrates had only power to put certain questions to the recruit, from the power which was supplied him by the War Office, under the Summary Jurisdiction Act. The magistrate, also, had no power to order a recruit to be summoned for making false statements during the process of attestation. If there was to be this change in the law, they would have to have other changes introduced also; for otherwise, the magistrate could not punish a man for what was actual contempt of court, simply because he had come before him for enlistment.

MR. O'DONNELL said, the clause struck him as being a rather curious one. Take the case of two recruits, each of them making false statements in answer to the attestation questions. One went before a rather sharp and capable justice, who found out he was telling lies in the process of examination, and thereupon the man was subjected to the lighter penalties imposed by the less serious procedure of the first part of the clause; the other recruit made exactly the same kind of false statements, appeared before a rather stupid justice, who did not find out he had made false statements until the attestation was over; thereupon the recruit attested by the stupid justice came under the more severe procedure of the second part of the clause. Therefore, the recruits, it appeared, were not punishable in any proportion to their guilt, because they were, probably, equally guilty, but according to whether they happened to be brought before a capable or incapable Justice of the Peace. That principle certainly appeared to him rather curious, and was another example of the singular way in which this Bill had been drawn.

MR. O'CONNOR POWER said, if the account given by the hon. Member for Wenlock (Mr. A. H. Brown) as to the working of the clause were correct, the magistrate would be both prosecutor

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and judge. If the clause was to work at all, there must be some lapse of time between the period when the offence was committed and when the matter was to be re-examined in a judicial way; because it was absurd to say that a magistrate could, in the course of the process of attestation, say that the recruit had made a false statement, and at once sentence him to three months' imprisonment. If the Solicitor General, who had been good enough to define the term "soldier" employed in the second part of the clause, would point out how the two different portions of the clause were to work in a legal way, he had no intention to press his views upon the Committee, and should be happy to withdraw his Amendment; but, until then, he did not see his way to doing so.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) said, the clause would operate legally thus. If a man appeared before a justice, and told a falsehood—saying, for instance, that he was a single man when he was married—and the justice knew it, the justice would, by passing that man, be aiding and assisting in an offence against the law. The first part of the section contemplated the punishment of a person for that offence which the man had already committed by giving a false answer. The effect would not necessarily be that he would be punished there and then. He would have committed an offence, and would have to be summoned before an ordinary tribunal of summary jurisdiction, when, if the justice came to the conclusion that he had not offended wilfully, he would be entitled to be discharged.

MR. O'CONNOR POWER, after the reply of the hon. and learned Solicitor General, asked leave to withdraw his Amendment.

MR. O'DONNELL pointed out that the effect of the second part of the clause would be that if a soldier, not a whit more guilty than the man who, being brought before a justice, having exceptional means of knowing that he had made a false statement, were brought before a justice who did not know so much about the matter, he would, thereupon, without any additional aggravation of guilt, become punishable in consequence of the greater ignorance of the second justice. Such a law was truly extraordinary and indefensible.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, the Secretary of State for War, having refused to put the rules and regulations into a Schedule, and also to lay them on the Table of the House, he certainly thought that he should be asked to agree to insert the Amendment which had been placed on the Paper by the hon. Member for Wenlock (Mr. A. H. Brown). He therefore intended to move to add, in page 52, line 21, at the end of the clause—

"Provided, That no person shall be tried by court martial for any offence under this section which has been discovered more than six months after attestation."

MR. O'CONNOR POWER suggested "less than six months."

MR. ASSHETON CROSS rose to Order. He thought the hon. Member for Meath (Mr. Parnell) was really playing with the Committee and uselessly occupying their time. It was evident that the hon. Gentleman had not in his own mind a clear idea of the Amendment he wished to move. It would have been more convenient had the Amendment appeared on the Notice Paper.

MR. O'CONNOR POWER thought it quite competent for the hon. Member for Meath to endeavour to make intelligible what the hon. Member for Wenlock (Mr. A. H. Brown) had assented to, but had not the courage to put it into words. He thought the hon. Member had been very wrongly taken up by the Home Secretary.

MR. PARNELL said, that while he was repeating the Amendment the hon. Member for Mayo had suggested an alteration, and while he had turned his head round to catch the words of his hon. Friend the right hon. Gentleman rose to Order. He was quite ready to submit his Amendment in writing as soon as the Chairman had ruled the question of Order; but he pointed out to the Home Secretary that the course of interruption pursued by him was not calculated to secure the object which he had in view.

THE CHAIRMAN said, that the right hon. Gentleman had risen to Order because the hon. Member for Meath was not prepared with the Amendment which he had announced his intention to submit to the Committee. No doubt, if that were the case, the hon. Member for Meath might claim some indulgence from the Committee; but he must point

out to the hon. Gentleman that it was not respectful to the Committee to stop, as he had done, in the midst of his speech and consult with hon. Members near him when he ought to be addressing the Chair.

MR. PARNELL said, he was sorry for having appeared to show any disrespect to the Committee; but he had only imitated the example repeatedly set by Ministers, who, upon points of difficulty, even when standing at the Table of the House, frequently turned aside to consult with their Colleagues. He had frequently seen the Chancellor of the Exchequer do this; but he was quite certain that on such occasions the right hon. Gentleman had no intention of being disrespectful to the House; therefore, he hoped the Committee would not believe that he (Mr. Parnell) had any such intention. The hon. Gentleman then proposed, in page 52, line 21, at the end of the clause, to add—

“Provided, That no person shall be tried by court martial for any offence under this section which has been discovered within less than six months after attestation.”

Question put, “That those words be there added.”

The Committee divided:—Ayes 15; Noes 110: Majority 95.—(Div. List, No. 140.)

Clause, as amended, *agreed to*.

Clause 97 (Compulsory service of fraudulent enlisters).

MR. O'CONNOR POWER said, that the expression “whether otherwise punished or not,” contained in line 25 of this clause, was of a very objectionable character, inasmuch as it seemed to contemplate two different kinds of punishment for the same offence—namely, that of fraudulent enlistment. His idea was that when any offence was committed there should be but one trial and one punishment. The objection to this part of the present clause was also the principal objection taken to Clause 92, which the Committee had abolished. The right hon. and gallant Gentleman had consented to strike out that clause; and he (Mr. O'Connor Power) now moved to omit from the present clause the words “whether otherwise punished or not.”

MAJOR NOLAN said, that formerly, when a man enlisted in a regiment and

afterwards confessed that he had previously enlisted in another, he was transferred back to the regiment which had a prior interest in him. He thought that principle was utterly absurd, and that nothing in this Bill was more deserving of support than the clause which provided that a man should be compelled to serve, if the competent military authority so directed, in the regiment in which he enlisted after having enlisted in another. He saw no objection to the omission of the words “whether otherwise punished or not,” because there was no reason for treating service in another regiment as a punishment.

COLONEL STANLEY apprehended there would be no objection to the change proposed.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Miscellaneous as to Enlistment.

Clause 98 (Validity of attestation and enlistment or re-engagement).

MR. O'DONNELL moved to omit the words—

“Where a person not attested or re-engaged is in pay as a soldier in any corps of Her Majesty's regular forces, such person shall be deemed for all the purposes of this Act to be a soldier of the regular forces as if duly attested or re-engaged, with this qualification, that he may at any time claim his discharge; but until he so claims and is discharged in pursuance of that claim, he shall be subject to this Act as a soldier of the regular forces duly attested under this Act.”

It seemed to him that the principle which was there recognized was a very unsafe one. He thought it was rather a dangerous and irregular proceeding that the authorities should be encouraged in that way to have in the ranks persons who were no longer soldiers, but who were passing off as soldiers. He thought that the authorities should be careful that nobody was serving in the ranks who was not properly attested and engaged as a soldier, and that to pass the clause, in its present shape, would establish a bad practice.

Amendment proposed,

In page 53, line 3, to leave out from the word “discharge,” to the word “Act,” in line 11, inclusive.—(Mr. O'Donnell.)

Question proposed, “That the words proposed to be left out stand part of the Clause.”

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COLONEL STANLEY explained that the object of the provision which it was proposed to omit was to enable the authorities, when a man was continued in pay as a soldier, to deal with him as a soldier of the Regular Forces. For instance, it was very likely that a man might be detained a few days over his service of 21 years, and during those days he would receive pay, and all other benefits of the Service. It might be—and very often was—for his own convenience that he was so detained; and it would obviously not be right that he should be perfectly free from liability to discipline.

MAJOR NOLAN admitted that questions as to discharge were continually arising, and he knew of one case, such as was contemplated by the clause, which occurred in a battery in which he was serving at Woolwich. In that case a court martial was convened to try a man after his 21 years' service, and the president refused to try him because of the absence of such a provision as that now introduced into this clause. At the same time, he thought that this was a very doubtful provision to introduce, as its effect would very likely be to encourage officers to be very loose and easy in the performance of their duty of discharging a soldier. If it were retained, he would suggest that after a man had claimed his discharge there should be a limit of time, say a week, fixed after which he should not be kept on.

COLONEL STANLEY said, that if the hon. and gallant Gentleman had read the next section, he would see that that point was provided for—

“Where a person claims his discharge on the ground that he has not been attested or re-engaged or not duly attested or re-engaged, his commanding officer shall forthwith forward such claim to the competent military authority, who shall as soon as practicable submit it to a Secretary of State, and if the claim appears well grounded the claimant shall be discharged.”

Of course, if he found it was possible to add any force to that section he would do so; but he did not then see how it could be done in an Act of Parliament, because cases might arise which it was impossible to meet.

SIR ALEXANDER GORDON remarked, that this question had been settled long ago. If a man received pay as a soldier, it was held to bring him under the Mutiny Act. In a case

which was decided at the end of the last century, by Lord Loughborough, a soldier, who was punished by corporal punishment, appealed to the Court of Queen's Bench, and said he was not re-enlisted as a soldier, and the Court decided that he was a soldier because he received pay as a soldier.

MAJOR NOLAN said, that the observations of the hon. and gallant Gentleman applied to the former paragraph of the clause where a doubt existed as to a man's enlistment. But these questions of discharge were continually occurring; and in the case which he had cited as happening at Woolwich, the president refused to try unless he received a direct command from the convening officer, overruling the man's objection. He did not think that point had ever been decided. No officer, if he could possibly help it, would, under the present law, place himself in the position of trying a man whose 21 years had expired. The Government were getting rid of that difficulty, and settling in this section what had always been a very doubtful point of law, which an officer was very anxious not to overstep. It stood to reason that if a man were enlisted for a term of 21 years, or 12, it was a very delicate thing to punish that man when his time was up if his engagement had not been renewed either by himself or by a general officer. He must say that there was a great deal in the objection of the hon. Member for Dungarvan (Mr. O'Donnell); and something ought to be done to provide that if a man claimed his discharge he should not be proceeded against unless his claim had been considered within a certain period.

MR. PARNELL thought the clause required to be carefully considered. He found that there was really no redress for the soldier who claimed his discharge and did not obtain it. The succeeding paragraph to which reference had been made did not give him any redress. That paragraph would appear to refer to a different class of cases; but, at any rate, it only provided that a claim to be discharged should go before the Secretary of State as soon as practicable, and if it appeared to be well-founded the claimant should be discharged. He thought it would be well to guard this clause by giving some tribunal the power to decide the question on the spot. Surely, the ordinary courts of the land should

be competent to decide a question whether a man was a soldier or not who had not been re-enlisted or re-engaged. So far as he could see, there was nothing in the clause to prevent the Secretary of State for War from detaining a man for an indefinite time.

MR. O'DONNELL did not think that the section of the clause to which the Secretary of State for War had referred was of a character to remove their objections. That section recited that where a person claimed his discharge on the ground that he had not been duly attested or re-engaged, his commanding officer should forthwith forward such claim to the competent military authority; but this latter officer would not have power to decide on the man's case. His duty would be, as soon as practicable, to submit it to the Secretary of State, and if the claim appeared to be well-founded, the claimant should be discharged. What had the Secretary of State to say to the case of a soldier who, being in India, claimed his discharge on the ground that he had not been duly re-engaged? In such a case all this circumlocutionary process would have to be gone through; and, meanwhile, the soldier, who was not duly re-engaged, would be liable to all the penalties of the Service. He did not think that the Committee would be justified in giving such very large powers to the authorities. He desired to repeat, much more strongly and emphatically, that there was abundant evidence that the Bill was badly, loosely, and negligently drawn; and that, sooner than take the trouble of having it properly drafted, the Government were asking the Committee to pass over this, that, and the other irregularity and illegality. That was not a proper way in which to treat the Committee. It seemed to him that throughout the discussion of this Bill the Government had adopted something of a plan of this kind. Supposing that they wanted an inch of permission anywhere they, in fact, asked the Committee to grant them the whole ell; and then, when they objected to their getting any more power than they had any real need of, the result was to call up their majority and trample down all opposition.

MAJOR NOLAN suggested that the difficulty might be got over by the insertion of words to provide that a man

might be tried for any offence previous to his claim for discharge.

COLONEL STANLEY pointed out that if a man was not tried he had no practical grievance; and asked how they were to deal with a case where a claim had been made which turned out to be groundless, and was, therefore, not allowed?

MAJOR NOLAN replied, that, in that case, he would be tried as a soldier.

MR. BIGGAR did not see why there should be any discussion on this point at all. If a man engaged to serve in Her Majesty's Forces for a certain number of years he ought, at the expiration of his term, to be entitled to his discharge at once, without any more ado or trouble on his part. But, certainly, to say that a man whose time had expired, and who had made a formal application to be discharged in accordance with his contract with the State, should thereafter be liable to the rules of the Service was perfectly preposterous.

COLONEL STANLEY said, that very likely there might be a tendency to keep a man on longer; but his broad contention was, that if a man remained on receiving pay, drawing rations, and living in barracks, he should be amenable to discipline as a soldier. As regarded India, his impression was that the authority there did decide these cases, and the men were sent home.

MR. PARNELL said, that if the right hon. and gallant Gentleman were correct in his impression, then the clause would take away that power.

MAJOR NOLAN desired to know whether the paragraph was an innovation, or whether it merely carried out the old Mutiny Act?

COLONEL STANLEY: The clause is new in the wording, but it is old in its substance.

Question put.

The Committee *divided*:—Ayes 156: Noes 14: Majority 142.—(Div. List, No. 141.)

MR. PARNELL moved to leave out "as," in line 15, down to "appears," in line 16, in order to insert the words—

"Bring such claim before the nearest court of summary jurisdiction, and if the court decides that."

The object of the Amendment was that if a soldier claimed his discharge on the

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ground that he had not been attested or re-engaged, or not duly attested or re-engaged, the commanding officer should forthwith forward such to the competent military authority, who, having submitted it to the Secretary of State, should then order the case to be dealt with by a court of summary jurisdiction.

COLONEL STANLEY did not see how such an Amendment would work.

MR. PARNELL said, his point was this—that the attestation was a civil act, and not a military one. Therefore, a court of civil judicature was the proper tribunal to decide whether the man had or had not been duly attested or re-engaged. It was not a question of breach of military discipline; but it was a question of the legality of an act committed by the recruit before he was a soldier. Under those circumstances, he submitted the only proper tribunal to settle the matter was a civil, and not a military, one. Of course, if the Secretary of State for War objected, he would not press the Amendment.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 99 (Application of Part Two of Act).

COLONEL STANLEY: I propose that this clause should be struck out.

Clause *struck out*.

Clause 100 (Construction of Acts relating to enlistment).

COLONEL STANLEY: I propose that this clause also should be omitted.

Clause *struck out*.

Clause 101 (Definition for purposes of Part Two of competent military authority and reserve) *agreed to*.

PART III.

BILLETING AND IMPRESSMENT OF CARRIAGES.

Billeting of Officers and Soldiers.

Clause 102 (Suspension of 3 Chas. 1, c. 1; 31 Chas. 2, c. 1; 6 Anne (I.), c. 14, as to billeting) *agreed to*.

Clause 103 (Obligation of constable to provide billets for officers, soldiers, and horses).

MR. O'DONNELL considered this clause gave too much power to a very inferior authority. It provided that—

“Every constable of any place in the United Kingdom mentioned in the route issued to the commanding officer of any portion of Her Majesty's Regular Forces, shall, on the demand of such commanding officer, or of an officer or soldier authorized by him, and on production of such route, billet on the occupiers of victualling houses, and other premises specified in this Act as victualling houses in that place, such number of officers, soldiers, and horses entitled under this Act to be billeted as are mentioned in the route, and stated to require quarters.”

His desire was that the term “every constable” should have some limit. There was a large number of constables in the Irish Constabulary to whom this power ought not to be given, and to whom, he supposed, the Act was not intended to apply. Words ought to be put into the clause to the effect that barony constables, and persons of that kind, were the constables intended, as far as Ireland was concerned. No doubt, the phrase “constable” had a different meaning in different parts of the United Kingdom. In order to raise the question, he would move, *pro forma*, that after the word “constable,” in line 9, to insert—“Other than a constable of the Royal Irish Constabulary.” As the clause at present stood, its powers might be used by constables to worry and harass licensed victuallers and others. It was a very nice theory to suppose that every member of the police force was perfect; but, as a matter of fact, he was not; and if the performance of this duty fell to men of little status or experience, he was not at all sure it would not be improperly performed. They all knew cases were constantly occurring in which the police misused the powers intrusted to them.

MAJOR NOLAN thought the hon. Member might modify his opinions on this subject, because, at the end of Clause 108, there were certain safeguards. For instance, a justice of the peace might require a constable to give an account in writing of the number of officers, soldiers, and horses billeted by such constable, together with the names of the keepers of such victualling houses on whom such officers, soldiers, and horses had been billeted, and the locality of such victualling houses. Generally speaking, he (Major Nolan) did not object to the billeting clauses of this Bill, because they were far better for Ireland than the existing law, and they removed the invidious distinctions which at present existed between England and Ireland in

this matter. Therefore, on the whole, he did not disapprove of these clauses; though before they came to the consideration of the Schedules, which referred to the prices which were to be paid, he hoped the Government would set up the preparatory Committee, because until that was done they could not discuss the prices which ought to be paid to the hotel-keepers.

THE CHAIRMAN: I may point out to the hon. and gallant Member that what he is now referring to does not relate to the Amendment at present before the Committee, which is to exclude the constables of the Royal Irish Constabulary from the operation of the clause.

MR. O'SHAUGHNESSY said, after the explanation of the hon. and gallant Gentleman that these billeting clauses placed Ireland in a better position than she was under the old Mutiny Act, he trusted they would be allowed to pass. With regard to the question of the employment of the constables of the Royal Irish Constabulary, he would ask, if they were not to perform a duty of this kind, who were? Now, that body was classified according to service. He suggested that some words should be introduced limiting the performance of this duty to one of these classes.

COLONEL STANLEY said, that what was pointed out by the hon. and learned Member for Limerick (Mr. O'Shaughnessy) was well worthy of consideration. Practically, the clause would apply to the chief constable in any place, the word "constable" having been substituted for "billet-master," who it was found had little executive power; but there was a great deal, he thought, to be said in favour of the suggestion which had been made, and he should confer with his right hon. Friend the Secretary of State for the Home Department on the matter.

MR. O'SHAUGHNESSY pointed out that in several towns in England there might be only one constable; but that in almost every Irish town there were four or five.

COLONEL ARBUTHNOT said, the difficulty which had been raised might be met by the substitution of the words "the senior constable" for "every constable" of any place.

MR. PARNELL thought it would be well for the Committee to adopt the words which had been suggested by the

hon. and gallant Member for Hereford (Colonel Arbuthnot). They would, in his opinion, meet the case. The fact was, the clause, as it stood, was based on a very old clause in the Mutiny Act, which was framed at a time when it was not anticipated that there would be such a large force of police in Ireland. The right hon. and gallant Gentleman the Secretary of State for War was probably not aware that there were now 15,000 constables in Ireland. Now, many of those were very young men; and although they were, generally speaking, men of excellent character and exceedingly intelligent, they were scarcely fit to carry out the requirements of the clause. It was very necessary, therefore, that there should be some such limitation introduced into the clause as that proposed by the hon. and gallant Member for Hereford. What he would suggest was, that the right hon. and gallant Gentleman the Secretary of State for War should now adopt the suggestion of the hon. and gallant Gentleman; and that if, after consultation with the Secretary of State for the Home Department, he should find that any further alteration was necessary, that alteration might be made on the Report. He always liked to see the work before him disposed of, if possible, and not put off to another day. To put it off was a kind of procrastination which was not business-like, and which did no good. The Committee, he thought, were agreed as to the necessity of making a change in the clause; and all that was required was the insertion of some words which would affect the object which they all had in view.

MR. O'SULLIVAN said, he quite agreed with those hon. Members who contended that it was not right to give the authority which the clause would confer to any constable. What he would suggest was, that it should be intrusted only to the senior constable—that was to say, the constable that was in charge of the police station in any locality to which the clause would apply. If that alteration were made it would, he thought, effect his hon. Friend the Member for Dungarvan's (Mr. O'Donnell's) object.

MAJOR NOLAN was also of opinion that some such words as "the senior constable of every police station in Ireland" would meet the difficulty.

MR. PARNELL said, the point which the Committee were engaged in discuss-

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ing was really a very important one. The police force in Ireland was directly under the control of the Government, and not, as in England, under the control of the local authority. Being under the control of the local authority, the police in England were, of course, more amenable to local influences, and would be more careful not to do anything which would give annoyance to the inhabitants of the locality. But the state of things was entirely different in Ireland. There the police were, in reality, the military force. They carried rifles, and were, in fact, better drilled than many soldiers of the Regular Army. If the right hon. and gallant Gentleman the Secretary of State for War were to see the Irish Constabulary he would say, he was sure, that he never saw in the ranks of the Regular Army men who were superior to them in size or appearance, or in the way in which they went through their drill. Being essentially a military force, they were, as he had already said, under the control of the Government, and in no way under that of the local authority, as was the case in England; and it was necessary, therefore, to be very careful how such a power as that given by the clause should be entrusted to them.

COLONEL STANLEY said, he should have no objection to the insertion, after the words "every constable," in the clause the words "for the time being in charge."

MR. O'DONNELL said, he should have no objection to withdraw his Amendment in favour of that proposed by the right hon. and gallant Gentleman.

Amendment, by leave, *withdrawn*.

Amendment (Colonel Stanley) *agreed to*.

MAJOR NOLAN asked, whether the point at which the Committee had now arrived was not that at which it was desirable that the scale of prices to be paid to the proprietors of licensed victuallers' houses, under the operation of the Bill, should be fixed?

COLONEL STANLEY said, he thought it would be better that the discussion on that point should be taken on the Schedule fixing the scale of prices.

MAJOR NOLAN said, the matter ought, in his opinion, to be settled without further delay. It was of con-

siderable importance; and it was doubtful whether, when the Schedule came to be discussed, it would be open to a private Member to propose an alteration in the scale, and it would be only right, therefore, that a preparatory Committee should be set up. He should like, therefore, to know whether it was proposed to set up such a Committee? The most practical way of dealing with the question would be to settle it at once.

MR. ASSHETON CROSS said, he did not think there was any necessity for proceeding in the way which the hon. and gallant Gentleman suggested. The Bill under discussion was an entirely new measure; and it would be open to the hon. and gallant Gentleman to propose any changes which he might think desirable when the Schedule came before the Committee.

THE CHAIRMAN said, that in the case of an ordinary annual Bill, like the Mutiny Bill, it would not be open to any hon. Member, without the consent of Her Majesty's Government and a Resolution of the Committee of the Whole House, to propose an increase of the charges which might be made under the operation of any clause. He understood, however, that the present Bill was not to be regarded as a measure in any way analogous to an ordinary Bill. He had to point out that, in accordance with Clause 2, the Bill would not come into force except in pursuance of some Act of Parliament to be hereafter passed. This Bill, therefore, and any Amendment introduced into it, would be, if left to itself, wholly inoperative. Under these circumstances, it might, he thought, be fairly held that a Member should not be prohibited from proposing to amend the money provisions of the Schedules of the Bill, although the assent of the Government and Resolution of the Committee had not been previously obtained as regarded the financial points involved, and although it would be necessary that such authorization should be obtained in the case of an enforcing or reviving Bill passed year by year.

Clause, as amended, *agreed to*.

Clause 104 (Liability to provide billets).

MR. O'DONNELL said, he objected to some of the exceptions which it was proposed to make under the operation of the clause. He, therefore, begged to

move the omission of sub-section 2, which provided that an officer or soldier should not be billeted "in any canteen held or occupied under the authority of a Secretary of State." He could not understand why a canteen, occupied under the authority of the Secretary of State, should be exempted from an obligation to which other victualling houses were liable. Canteens held, or occupied, under the authority of the Secretary of State, were, he thought, fit and proper places in which to billet soldiers; and he could see no good reason why they should not be made use of for the purpose. He, therefore, begged to move the omission of the word "nor," in line 10, down to the word "nor," in line 12.

COLONEL STANLEY said, the canteens were intended only for the accommodation of the soldiers in barracks, and were not fitted up so as to be capable of affording sleeping accommodation, except to those in charge of them. They were, in fact, established for military purposes, and there was no spare accommodation for the billeting in them of troops.

MR. O'DONNELL contended that there was no need for the exemption which was made by the clause. In those cases in which there was room enough, canteens ought to be made use of for the purpose of billeting soldiers. Where there was not, of course, it would be impossible to make use of them. But, in any case, the exemption seemed to be an invidious one. If canteens were not fitted for the purpose of billeting soldiers, then they ought to be returned as being unfit; if they were fitted, then they should be returned as being so, in the same way as any ordinary victualling house. The billeting constable would know whether there was room or not, and would act accordingly.

Amendment negatived.

MR. PARNELL moved the omission from the clause of the 3rd sub-section, which provided that an officer or soldier should not be billeted—

"On persons who keep taverns only, being vintners of the City of London, admitted to their freedom of the said Company in right of patrimony or apprenticeship, notwithstanding the persons who keep such taverns have taken out licenses for the sale of any intoxicating liquor." He could not, he said, quite understand why the exemption was proposed.

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MR. ASSHETON CROSS said, the exemption was one which had been allowed ever since the year 1761, and one which had, he believed, been provided for in the Charter of the Vintners' Company.

MR. PARNELL regarded the statement of the right hon. Gentleman as affording a very good argument why the privilege in question should be taken away. The free vintners of London had been so long exceptionally treated that it was time, in his opinion, they should give up their monopoly for the good of the Army.

SIR WILLIAM HARCOURT said, the argument of the hon. Member for Meath (Mr. Parnell), if carried to its legitimate conclusion, would go to the extent that a man might be deprived of his hereditary property on the ground that it had been so long in his possession that he ought to possess it no longer. His family had enjoyed it for a very long time, and therefore it ought to be taken away from them. It would scarcely be right, he thought, that the Committee should accede to such a proposition as that, and abolish a privilege which had now existed for a considerable time, especially as the hon. Member had given no Notice of his intention to move such an Amendment in the clause. The change which the hon. Member proposed might be a very proper one to make at some future time; but the Committee, he was sure, would be of opinion that it ought not to be made on a sudden affecting, as it did, several hundreds of persons.

MR. O'SULLIVAN hoped the hon. Member for Meath (Mr. Parnell) would not press his Amendment. The question which it raised was purely a London question, in which Irish Members had little or no interest. It was one, also, which in no way affected the general public.

MR. BIGGAR said, he could not agree with the hon. Member who had just sat down, that the matter was one in which the public generally were not interested. The exemption given by the clause to the publicans of London was, in his opinion, unfair; and it could hardly, with justice, be argued that they had a vested right to the exemption, because it was given to them by the provisions of a Bill which had to be renewed year by year.

MR. STAVELEY HILL said, the privilege had been given by an Act passed in the reign of Charles II., and that the reason for conferring it was that the free vintners did not reside on the premises in which they carried on their trade. They had shops, but not dwelling-houses in which soldiers could be billeted.

MR. O'DONNELL said, that if the vintners of the City of London had not houses in which soldiers could be billeted, they would not be returned by the constable for the time being in charge as being in a position to afford the necessary accommodation. If, on the other hand, they had houses, there was no good ground, so far as he could see, why they should be exempted from the operation of the clause. If the licensed victuallers of London were exempted, why, he should like to know, should not a similar privilege be extended to the licensed victuallers of Kilmallock? There was, in his opinion, very little force in the argument that, because the London publicans had enjoyed a certain exemption for several years, they ought to be allowed to enjoy it for ever. It would, therefore, he maintained, be better that they should be placed on the same level as licensed victuallers in other parts of the United Kingdom. He would not recommend his hon. Friend the Member for Meath to put the Committee to the trouble of dividing; but he did not, at the same time, think that the Amendment ought to be withdrawn.

MR. PARNELL would remind the Committee that the present Bill was, after all, only an annual Bill. The question raised by his Amendment was, under those circumstances, placed upon a different footing from that upon which it would stand if they were engaged in passing a measure which was intended should be of a more permanent character. If the privilege to which he objected were now done away with, it would be only for one year; and, at the expiration of that period, Parliament would be in a position to see what was the effect of the proposed change. If it was found that it operated injuriously, then the privilege might be restored. It was said that the vintners of the City of London had no houses in which soldiers could be billeted; but he was never before aware that they were so poor, or that they carried on their business in places something like a Noah's Ark. He had

always been under the impression that those gentlemen had good houses; and he had very little doubt but that they would be found adequate to carry out the requirements of billeting.

MAJOR O'BEIRNE said, he could see no good reason for the exemption of the vintners of the City of London from the operation of the clause. He knew of instances, in his own experience, in which troops marching through the City had accommodation provided for them there.

MAJOR NOLAN thought the Amendment was a very sensible one, and one, therefore, which the Committee would do well to accept. He was under the impression that troops were never billeted in the City of London; but his hon. and gallant Friend the Member for Leitrim (Major O'Beirne) had just informed the Committee that instances in which they had been had come within his own knowledge. The proposed exemption, he might add, was, so far as he could judge, likely to be of no benefit to the citizens of London; while it might have the effect of causing considerable inconvenience in the case of troops marching through the City. Under these circumstances, he would appeal to the right hon. and gallant Gentleman the Secretary of State for War to say whether, in his opinion, the privilege was one which should be allowed to continue to exist?

SIR ALEXANDER GORDON explained, that the proposed exemption was the natural consequence of the privilege enjoyed by the City of London, that no troops should march through it without the sanction of the City authorities. Leave had to be obtained from the Lord Mayor before they could be marched through; and the privilege had its origin at the time of the Great Fire in London, when the Lord Mayor found fault with the officer in command of the troops for proceeding as far as the Mansion House, and not stopping at Temple Bar.

MAJOR NOLAN said, he understood that troops could march through the City of London without the permission of the City authorities.

COLONEL ALEXANDER said, they could march through the City, and that the prohibition which had been referred to by the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) related only to troops marching

with fixed bayonets, colours flying, and bands playing, adding that the 3rd Buffs were exempted from the prohibition.

Amendment negatived.

SIR HENRY JAMES proposed the omission from the clause of sub-section 5, which provided that an officer or soldier should not be billeted—

"In the house of any shopkeeper whose principal dealing is more in other goods and merchandize than in brandy and strong waters, so as such shopkeeper does not permit tipping in such house."

Amendment negatived.

Clause agreed to.

Clause 105 (Officers, soldiers, and horses entitled to be billeted) *agreed to.*

Clause 106 (Accommodation and payment on billet) *agreed to.*

Clause 107 (Annual list of keepers of victualling houses liable to billets).

CAPTAIN MILNE-HOME moved, in page 56, line 32, after "houses," to insert "and all other persons." The object of his Amendment, he said, was to bring the wording of the clause into accordance with that of Clause 104, in which the provisions of the Bill were made to extend not only to all inns and hotels, but to "all houses of persons" selling brandy or strong waters by retail. In the clause before the Committee the words "all houses of persons" were omitted.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, the Amendment was unnecessary, for the clause provided that the list made out should include "all keepers of victualling houses within the meaning of this Act;" and Clause 104 provided that "all houses of persons" selling brandy or spirits of any kind should come under the operation of the Bill.

Amendment negatived.

Clause agreed to.

Clause 108 (Regulations as to grant of billets).

MR. J. BROWN called attention to sub-section 6, which gave authority to a Justice of the Peace, on the request of an officer or non-commissioned officer authorized to demand billets, to vary a

route by adding or omitting any place for billeting purposes; and suggested that it would be desirable that provision should be made in the clause for informing the Quartermaster General by telegraph of the proposed change of route. Otherwise, he would have no means of knowing how matters stood, and great confusion might be the result if he was kept in ignorance of the direction in which the troops were marching, and the place in which they were about to be billeted. Under these circumstances, the Justice of the Peace ought, he thought, to have the duty imposed upon him of informing, by telegraph, the officer in the Quartermaster General's Department, who might originally have signed the order for the route, of the alteration which it was intended to make in the line of march.

COLONEL STANLEY said, the matter was one with which, in his opinion, it would be best to deal by means of regulation. The sub-section in question was framed to meet the case in which it might occur that there would be inconvenience attending the billeting of the troops on the line of route originally marked out, and in which it might be found desirable to march them to a point further on, or to halt at a point nearer than was at first intended.

MR. J. BROWN said, that there was the objection to dealing with the matter by regulation that the Justice of the Peace would not, in all probability, be acquainted with and would not be subject to the regulations.

COLONEL ARBUTHNOT said, the commanding officer was the person who would have to obey the regulations, and he, of course, would be acquainted with them.

MR. PARNELL said, that, under sub-section 3 the keeper of a victualling house, if he felt himself aggrieved by having an undue proportion of officers, soldiers, or horses billeted on him, might complain to a Court of Summary Jurisdiction; and pointed out that the words "court of summary jurisdiction" must be taken to mean the Court of Petty Sessions, from whose decision, whatever it might be, no right of appeal was given. Now, a man upon whom a portion of a regiment might have been quartered for a length of time might wish to carry any grievance of which he had to complain, in the event of the

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decision of the Court of Petty Sessions being against him, before a higher tribunal; and, in his (Mr. Parnell's) opinion, it was but fair that he should be enabled to do so. There was no good reason why he should not have the power of appealing to the Court of Quarter Sessions, for instance.

MR. ASSHETON CROSS pointed out that the power of appeal which the hon. Member proposed to give would really be of no use to the keeper of a victualling house; for all that could be done, if the decision of the court of appeal was in his favour, was to order the troops, which had been billeted upon him, to be billeted elsewhere, and they would probably have left his house long before.

MR. PARNELL contended that the right of appeal to the Court of Quarter Sessions might be of use in many cases; and as the exercise of the right would be entirely optional with the keeper of the house, he could see no good reason why it should be refused to him. If he thought he could do himself any good by appealing, he would probably take that course; if not, he would refrain from doing so.

Clause agreed to.

Offences in relation to Billeting.

Clause 109 (Offences by constables).

MR. PARNELL said, there was really less excuse for the commission of any of the offences mentioned in the clause by constables than almost anyone else, because they were supposed to understand thoroughly well the nature of the duties which they had to perform; and the Committee had decided that it was only to a duly qualified officer that the carrying out of these billeting clauses should be intrusted. That being so, power should, he thought, be given to inflict a heavier penalty than the clause proposed on a constable who transgressed its provisions. As the clause stood, the offender was made liable, on conviction, to a fine of not less than 40s., and not exceeding £5. Those amounts appeared to him to be too small, seeing that it was difficult to know to what inconvenience and expense and annoyance the owner of a house might not be put, by having troops billeted upon him. He was not able to say whether it was open to him to propose that the maximum fine of £5 should be

raised without raising the minimum; but he should like to move, by way of Amendment, that the word "five" should be omitted from the clause, and the word "ten" inserted instead of it. £10 would not, it seemed to him, be at all too high a sum to impose as a fine on a constable who had been convicted of committing any of the very serious offences which were set forth in the clause. It would be a very serious offence, for example, for a constable, in consequence of the receipt of a reward, to excuse or relieve a person from his liability to have troops billeted upon him—an offence against which sub-section 2 was directed—or that he should billet or quarter on any person without his consent, persons or horses, who were not entitled to be so billeted, as provided against by sub-section 3; and he ought, he contended, to be made liable to a heavier penalty for such offences than the clause proposed. He begged, therefore, to move that the word "five" be omitted from the clause.

MR. ASSHETON CROSS said, he had no objection to the Amendment suggested by the hon. Gentleman.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 110 (Offences by keepers of victualling houses) *agreed to.*

Clause 111 (Offences by officers or soldiers) *agreed to.*

Impressment of Carriages.

Clause 112 (Supply of carriages, &c. for regimental baggage and stores on the march).

MR. O'SULLIVAN moved the insertion, after the word "purpose," in line 16, of the words "Provided the owner does not require them for his own special purposes." A man might, he pointed out, under the operation of the clause as it stood, be compelled, by the order of a constable, to supply carriages and horses for the conveyance of the regimental baggage and stores of troops on the march, no matter at what inconvenience to himself. Now, it was, in his opinion, unfair that a man who, perhaps, might have entered into an important contract for the carrying out of some work, and who was bound, under heavy penalties, to perform this

contract within a certain time, should be prevented from doing so by being forced to place his horses and carriages, under all circumstances, at the service of the Army, when a demand was made for them. It was to provide against cases of hardship like that, that he proposed his Amendment.

COLONEL STANLEY was afraid that the adoption by the Committee of the Amendment would have the effect of rendering the clause completely nugatory; for if the words proposed were inserted, the probable result would be that when the occasion for the impressment of horses and carriages arose, few owners would be backward in alleging, as an excuse for not complying with the demand, that they wanted them for their "own special purposes." He might also observe that waggons and other vehicles which were required when troops were on the march were hired by contract, or in other ways, in all those cases in which it was possible to enter into a pre-arrangement; and that it was but seldom that it would be found necessary to put the powers which were given by the clause into force.

MR. PARNELL said, it seemed to him somewhat curious that power should be taken by the clause to impress carriages and horses in the United Kingdom, while the same power was not extended to the Colonies. He should like to know what difference, in principle, there was between the case of the Colonies and that of the United Kingdom? Lately, as the Committee was aware, operations at the Cape had been brought to a standstill, because it was found impossible to procure the means of transport. Now, he was not going to contend that either the Colonists or the inhabitants of the United Kingdom should not be entitled to make their own bargains in such matters when a state of war existed, as appeared to have been done in the Colony of Natal. It might be right, or it might be wrong, that they should be at liberty to do so; but what he should like to ascertain was, what the principle was on which the right hon. and gallant Gentleman opposite (Colonel Stanley) proceeded in limiting the operation of the clause to the United Kingdom? for it seemed to him to be a somewhat extraordinary thing to say that that which they would have a right to do in the United Kingdom they

would have no right to do in the Colonies. The United Kingdom was placed, so far as he could see, in pretty much the same predicament as Zululand, where waggons were impressed when it was deemed to be necessary; although in the Colonies that could not be done. The clause, in short, would put the United Kingdom on a par with a country between us and which a state of war prevailed. But the subject was one on which he desired rather to obtain information than to express any positive opinion of his own.

SIR WILLIAM HARCOURT said, the fact was that the Colonies were entitled to deal themselves with all matters which were of local interest; but that the right was reserved to the Imperial Legislature to interpose in all matters of Imperial importance in connection with them. Now, the point raised by the hon. Member for Meath was clearly one of such local interest that the Imperial Parliament would not be justified in overruling the wishes of the Colonists with respect to it. That explanation would be sufficient to meet another difficulty to which the hon. Member had alluded. They could impress carriages and horses for the Army in Zululand, and not in Natal; because in Natal there was a local authority capable of regulating questions of local interest, while Zululand was an enemy's country, in which no such authority, so far as we were concerned, existed, and in which, besides, a state of war existed.

MR. O'SULLIVAN said, the right hon. and gallant Gentleman the Secretary of State for War appeared to think that great inconvenience to troops on the march might arise from the adoption of this Amendment. He would, however, point out to him that there was provision made further on in the clause that when sufficient carriages or animals could not be procured within the jurisdiction of a particular justice, any justice having jurisdiction in the next adjoining place would be obliged to supply the deficiency.

MR. PARNELL said, the clause, he believed, gave power to impress drivers as well as carriages, and contended that the explanation which had been given by the hon. and learned Member for Oxford (Sir William Harcourt) did not cover the case of drivers. He noticed that drivers were impressed when they

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were found beyond the borders of the Colonies in South Africa, but that while they remained within those borders they were not interfered with. As he understood the Mutiny Bill, it gave power to impress drivers wherever they were; and the drivers so impressed were, he thought, always subject to martial law, whether on active service or not. He should like, therefore, to know whether, if the present Bill were to pass, they would in the same way be subject to martial law in the Colonies? It was a monstrous thing, in his opinion, that a driver, who was simply accompanying troops, should be placed under martial law.

SIR WILLIAM HARCOURT said, there was a wide distinction to be drawn between military law and martial law. Martial law might be regarded as existing where there was no law, and the Mutiny Act was not martial, but military law. That being so, the present Bill would place the drivers of waggons, who might be impressed in accordance with the provisions of the clause, under military law and the Mutiny Act, and it was absolutely necessary that that should be done; because they might drive away with their waggons, and take them over to the enemy, at a time when they were most needed. The control of military law must be kept over those men, and that control was exercised over them in the Colonies when the troops were on active service.

MR. O'DONNELL said, he did not think the point which was raised by the Amendment had been at all settled by what had fallen from the hon. and learned Gentleman who spoke last. Soldiers in the Army were subject to military law; but it did not follow from that, that men who were outside the Army, and without any obligation to enter its ranks, should be impressed as drivers, and, having been compelled to become drivers, be subjected to military law. To do that would be to impose a burden on them to which they ought not, in his opinion, to be exposed. Such a proposal was, in reality, one which would introduce the thin end of the wedge in the direction of conscription. He should like, then, clearly to understand whether a civilian driver could, under the operation of the clause, be forced to become an Army driver; and whether, having become an Army driver,

he would then be subject to all the requirements of military law? If they could be made Army drivers only with their own consent, nothing could be more easy than to make provision to that effect.

MR. PARNELL thought the change proposed by the clause was one of a very important and radical nature. Under the old Mutiny Act, there was power to impress a driver, but not to place him under military law, and now it was proposed to extend that power. Nobody, in his opinion, ought to be brought under military law who did not understand, and was not in a position to understand, that to which he was being subjected. A very great hardship would, he could not help thinking, be inflicted by the clause.

SIR WILLIAM HARCOURT said, that a driver was impressed because there was urgent occasion for his services, and that once having been impressed, he must be dealt with as if the case was one of voluntary enlistment. If a man, with a yoke of oxen and waggons, was impressed, and if he were to be at liberty to leave guns and ammunition in the midst of the bush, it would be better not to impress him at all. The reasons which justified the impressment of a man also justified measures being taken to secure that he should do that for which he was impressed. Nothing could be more ridiculous than when a man had carried guns or regimental stores half-way to their destination, he should be allowed, if he pleased, to leave them half-way, and move them neither backward nor forward.

SIR ALEXANDER GORDON thought some misapprehension existed with regard to the true meaning of the clause, which did not contemplate that civilian drivers of waggons should be placed under martial law, except when the troops were on active service beyond the seas; and he would also observe that, in accordance with the provisions of the clause, it was simply contemplated that drivers should be impressed for the purpose of removing regimental baggage and stores on the march, and that the carriage of guns was not provided for.

MR. PARNELL hoped the hon. Member for Limerick (Mr. O'Sullivan) would not press his Amendment to a

Division, for private convenience must be limited by the exigencies of the public service. The point, however, to which he (Mr. Parnell) had called the attention of the Committee did not seem to him to have been at all clearly explained. The hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) said a driver would not be subject to military law except while the troops were on active service, and he should be very glad to be assured that that was so. But he found, on looking to Clause 167, which defined the persons who were to be subject to military law, that it included—

"All persons who are or may be hired to be employed in a corps of Artillery or Engineers."

And those words applied, so far as he was able to understand, to persons who might be hired to drive the extra horses or the extra bullocks which might be required. He wanted to know whether drivers employed for horses and waggons used in the service of the troops might not be said "to accompany Her Majesty's troops or any part thereof?" He would read that portion of the Bill which, he thought, included them—

"All persons not otherwise subject to military law who are followers of or accompany Her Majesty's troops, or any portion thereof, when employed on active service beyond the seas; subject to this qualification, that where any such persons are followers of or accompany any portion of Her Majesty's Forces consisting partly of Her Majesty's Indian Forces subject to Indian military law, and such persons are natives of India within the meaning of Indian military law, they should be subject to that law."

Perhaps, however, they came within sub-section 9 of the same clause, which said that—

"All persons who are or may be hired to be employed in a corps of Artillery or Engineers,"

should be subject to military law. As, however, the number of persons who would be included under this head was limited, he did not think it worth while in insisting upon the point.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 113 (Payment for and regulations as to carriages, animals, &c.).

MAJOR NOLAN desired to insert, in sub-section 3, before the word "town,"

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the word "county." The sub-section would then read as follows:—

"In Ireland the grand jury for a county, a county of a city, a county of a town and city, or a city, or town and county, also any council of any such county, town, or city, having by law the fiscal powers of a grand jury,"

might exercise the powers given under the clause for payment and requisition as to carriages and animals.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 114 (Annual list of persons liable to supply carriages) *agreed to*.

Clause 115 (Supply of carriages and vessels in case of emergency).

SIR ALEXANDER GORDON proposed to insert in the clause, after "carriages and animals," the words "kept on hire." The object of this Amendment was to keep the law in the same position as it had been hitherto. At present, on any occasion of emergency, the Government was able to make out a requisition for the impressment of all persons and carriages kept for hire. That provision was made in 1795, when there was a question of the country being invaded, and it was considered most important to move the troops from one part of the country to another with dispatch. The law then made had been kept in force ever since, and all horses and carriages kept for hire could be used for the purpose of the conveyance of troops when necessary. This regulation was made on the same principle as which all houses kept for the entertainment and lodging of guests were made available for lodging troops. It was thought that those who kept houses of entertainment for travellers should be compelled to take in soldiers when on the line of march. But by this Bill, instead of restricting the requisition for transport to those who kept horses and carriages for hire, the requisition was made to apply to all private individuals throughout the country; and other persons who kept a horse or carriage would be liable to have them seized for the removal of troops under a requisition. This was a most important change; and he wished the Committee to thoroughly understand what it was doing. The change was so very important that it ought to be carefully considered, especially when it was re-

Votes of Supply we have taken 100, and there are 88 to take—a large number, certainly. We have still to pass 58 Civil Service Votes, and 15 in the Navy. We have taken four, including these three surreptitiously obtained. ["Oh, oh!"] Well, obtained in this unusual way. We have others in the Army, and in the Indian Home charges. We have 88 in all—a very serious number, I admit; and I fully sympathize with the Government in this matter. But why are they in this difficulty? Do not right hon. Gentlemen recollect they took Mondays away from us at the beginning of the Session, and are now entitled to go into Committee on Mondays, without independent Members having the opportunity to interfere with Motions; and I remember we were told by the Chancellor of the Exchequer, with his happy mode of looking at the bright side of things for the future, that by this means we should have Supply so far advanced as to avoid all complications. But the Government have not taken the Mondays for Supply. Why did they not take to-night, or last Monday, or the Monday before? If the right hon. Gentleman the First Lord of the Admiralty had taken these Votes a fortnight ago, he would not have been driven into this corner. Why did he not take them on Monday? I know I may not with propriety refer to what has taken place to-night; but I am quite sure that if the conduct of Business is fairly examined, it will be found that a good deal of the delay has arisen from the mode in which Business has been brought before the House of Commons. Be this as it may, I do say Government should have taken the Mondays for Supply. They have not done so, and now they complain they are driven into a corner; for I am told the First Lord admitted this, and said it was absolutely necessary for the Public Service that he should have these Votes scrambled through as they were on Friday. It is not my object to make an attack upon the Government; but I do wish to give them the opportunity of saying this is not to become a precedent for the future, and to assure us that though Votes are put down preceded by Motions on going into Committee, that we shall not run the risk of losing the opportunity of discussion if we are not down here at the very first moment of the Sitting.

Mr. W. H. SMITH would give the reasons for the course which he took on Friday night. Anyone who took an active part in the proceedings of Parliament would know the reasons which had prevented the Government from putting down Supply for Monday last, or for the preceding Monday. Except on those two occasions, the Government had put down Supply for every Monday. But, with reference to those two occasions, the Government gave them up in order to allow hon. Members to express their opinion upon the course taken by the Government. He might say that he was, personally, responsible for the Votes being taken; and, in the ordinary course, they would have been taken on Monday. But they were unable to be taken that night, and it was a matter of the greatest importance that they should be taken on Friday. Under these circumstances, at 9 o'clock, he asked the hon. Gentleman the Member for Clonmel (Mr. A. Moore), who had a Notice on the Paper, to allow the House to go into Committee, in order that these Votes might be taken, as it was absolutely essential to the Public Service that they should be got through that night. That proposal was accepted by the hon. Member for Clonmel, and was adopted by the House. The hon. Member said that the House was taken by surprise by the course; but it was impossible to communicate to every hon. Member what the Government was about to do. The Government proposed to take these Votes in this manner—they announced it publicly in the House, and appealed to the hon. Member for Clonmel to withdraw his Motion. The hon. Member for Cavan was in his place, and he was by no means careless with regard to the proceedings of the House. No objection was made on that occasion; and if there had been an Amendment put down against the Votes by any hon. Member, an opportunity would have been allowed him to have brought it on. But no Amendment of any kind was put upon the Paper; and the Government felt themselves obliged, in the interests of the Public Service, to take the Votes that night, and they, therefore, took them at an early period of the evening, in order to avoid any contingency which might afterwards occur to prevent them being brought on.

MR. PARNELL said, that the objection made was not so much that the

proceedings were strictly in Order; but I came to the conclusion that they were in Order, or they would have been stopped. But, admitting they were strictly in Order, I can say they were entirely contrary to custom; because on Fridays it is the usual Order of Business to put down Supply, in order that the Motion for your leaving the Chair may give the opportunity to Members of bringing forward Motions. There is no doubt that in ordinary cases the questions introduced by private Members, though worthy of consideration, do not excite interest and attention among the House generally; and it is not thought necessary, during the discussion of these preliminary Notices on going into Committee, that Members should be present when the matter under discussion is only of special interest; but there can be no doubt at all, from the practice of the House, that Members rely on the fact that these discussions on going into Committee will take a certain amount of time, and then Members come down to the House, about 10 or 11 o'clock, in the expectation that after the Notices of Motion are disposed of the House will resolve itself into Committee and take the Votes of Supply. Instead of this, on Friday night, the Government took a course somewhat in the nature of a surprise, and instead of the Votes in Committee being taken at the close of the proceedings they were taken at the commencement. A form was gone through to which the hon. Member having the first Notice gave consent. That Notice was put aside—in fact, was not made—Mr. Speaker left the Chair, and three Votes in Supply were gone through unexpectedly and without discussion; then, these three Votes having been passed through, the Chairman left the Chair, and, Supply being again set up, the Motions on the Paper were proceeded with, and hon. Members coming down to the House expecting to have the opportunity of discussing these Votes found they had been agreed to. Now, I maintain if the Business of the House of Commons is to be conducted in this way it is unfair to private Members, and it is calculated to prejudice our proceedings in public opinion. The Chancellor of the Exchequer, in his conduct of the Business of the House, would not—as I am sure we can all bear testimony—willingly take a course unfair to any Member; but the

Chancellor of the Exchequer did not, at the earlier part of the day, give the slightest intimation that the course would be taken, and I do not suppose at the moment he had the intention to take that course when he announced that, if possible, the Navy Estimates would be taken in the evening. It was not stated at the Morning Sitting that there was an intention to take the unusual course, the step was taken while most of us were away from the House, and what is the excuse put forward? I am told it was said these Votes did not necessarily involve any contention, it was such a matter of course to take them that no one could complain of the course taken. But the Votes were for £2,000,000! A sum by no means insignificant. I do not know how long the Committee sat, but I suppose the Votes were taken in about two minutes; but even if this were not so, and the amount of money of no consequence at all, I should equally complain of this course being taken, because it forms a precedent. Though hon. Gentlemen on the other side support with so much loyalty a Government in which they have such unbounded confidence—though they support the Government now—let me remind them that it may possibly happen that Members on the front Bench may change sides. Then the Government may take the same course, and the then Opposition may complain. I cannot let the House understand that I am raising the question in a Party spirit at all. I am speaking as an independent Member; and hon. Gentlemen who remember the course I took in the last Parliament will believe me when I say that had the then Government acted as the Government did on Friday night, I should have protested as strongly as I am now doing. I say, moreover, these Votes were of the greatest importance, and the excuse is not a good one. Not only was the amount of £2,000,000 a large one, but there was an increase in the amount of the Votes in excess over previous years of something like £30,000. Another excuse put forward is that Supply is very much behindhand, and I dare say the First Lord of the Admiralty will say that he was absolutely obliged to take these Votes. But why are the Government in this state? If I take the Return circulated amongst hon. Members this morning, I find that out of the

gress with the Bill that evening. They had now entered upon a part of the Bill which would necessitate considerable discussion; and as they had arrived at a very late hour, he hoped that the right hon. and gallant Gentleman would not refuse his request.

Motion made, and Question proposed, "That the Chairman do report Progress, and asked leave to sit again."—*(Mr. Parnell.)*

COLONEL STANLEY said, that he was quite in the hands of the Committee; but he would remind hon. Members that the Bill had already been four months upon the Table of the House. There did not seem to be many Amendments to the next few clauses—he only saw one Amendment of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), who proposed to leave out "fourpence" and insert "two-pence"—and he, therefore, thought that the Committee might proceed a little further that night.

MR. RYLANDS did not think that the Government ought to refuse the very reasonable request that had been made to report Progress. It should be remembered that many Amendments, which it was proposed to make, were not down upon the Paper.

SIR WILLIAM HARCOURT thought that the Government ought to be well satisfied with the progress that had been made that evening. Personally, he would be willing to go on; but, still, as there was a disinclination on the part of some hon. Members to proceed, he thought the Government should be satisfied with what had been already done. It would be unwise on the part of the Government not to show its appreciation of the manner in which the Bill had been treated that evening.

THE CHANCELLOR OF THE EXCHEQUER was conscious that the Committee had been allowed to make a good deal of progress with the Bill that evening. The only thing that weighed with him was a consideration of the state of Public Business; and he thought, in view of that, they might be allowed to make some slight further progress. He did not think there was any reason why they should not do a little extra work that evening.

MR. BIGGAR supported the Motion to report Progress.

MR. PARNELL hoped that the Chancellor of the Exchequer would not continue to resist the Motion to report Progress. There was a good deal of contentious matter in the clause at which they had arrived; and it ought not to be supposed that because Amendments were not down upon the Paper that nothing was to be said. It was true that the hon. Member for Dundee (Mr. E. Jenkins), who had a Motion on the Paper, was away; but there were others besides him who were interested in this question of courts martial. He was sure the right hon. Gentleman the Chancellor of the Exchequer did not desire to press them to go on when they had passed 34 clauses—only fancy, 34 clauses of a Bill of that magnitude!

THE CHANCELLOR OF THE EXCHEQUER would not further resist the Motion; but he must remind the Committee that at the time of the Session at which they had arrived it would make it necessary, unless they were allowed to make reasonable progress with this Bill, for him to propose that the House should sit on an unusual day at this period of the Session—namely, on Saturday. He trusted that the progress that had been made that night would be an augury as to the manner in which they would proceed hereafter with the Bill. Under the circumstances, he would consent to the Motion that Progress should be reported.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon *Thursday*.

SUPPLY—REPORT.

Resolutions [27th June] reported.

Motion made, and Question proposed, "That the said Resolutions be now read a second time."

MR. RYLANDS: I rise for the purpose of making a complaint against Her Majesty's Government for taking a course which appears, so far as my experience goes, entirely unprecedented. The effect of the proceeding on Friday night was certainly to prevent hon. Members who might have been desirous of taking part in the consideration of Votes in Supply from doing so. I did think, Sir, of appealing to you to say how far these

Government took the Votes on Friday as that they took them at a time when they did not usually take them. Hon. Members had every reason to suppose that the Government could not take Supply later in the evening; and the conduct of the Government, in taking the Votes in this manner, in his opinion, amounted to nothing less than sharp practice. There were about 650 Members in the House of Commons, and how many of those knew that the Government intended to depart from the usual practice to take the Votes at the commencement instead of the close of the proceedings? And when Votes were taken out of their usual course, and Members were ignorant that they would be so taken, they did not attend in their places to discuss the Votes. He thought that the Government should not adopt any such irregular proceedings as those, and they could, if they chose, have taken Supply on Monday; and, if so taken, it would not have been necessary to do so unprecedented a thing in Parliament as was done on Friday night. The point to which he wished to draw attention more particularly was this—that, up to the present time, they had not taken any Irish Votes in Supply at all. It was a question of great importance to Irish Members to know when Irish Supply was to be taken. There were 50 Notices of objections to the Irish Votes, and yet no sign was made by the Government of their intention to take those Votes. The Government had given up their practice of taking Supply on Monday in favour of certain Bills, and when Irish Votes were reached the opportunity was taken away from hon. Members to bring forward matters of importance which they desired to have discussed. If the Government had continued their practice of going on with Supply on Monday, the Irish Votes would have been taken in their ordinary course. He knew that he should be told that Irish Supply had been brought on, and objection had been made. But that objection was some time ago, and they would not have objection to Supply being taken immediately after the Whitsuntide Holidays; but they were then told by the Government that Irish Supply should not be taken. But when Irish Supply was brought on the last occasion, the Government had previously allowed them to suppose that it would not have been

brought forward, and all the hon. Members that desired to be present at this discussion were not in their places. He wished to ask whether they were to have an opportunity of discussing the Irish Votes that Session?

THE CHANCELLOR OF THE EXCHEQUER said, that it was absolutely necessary for hon. Gentlemen to understand that the time of Parliament was limited, and that there were certain things which must be done before they separated. Although there were things upon which it was perfectly right to have a full discussion, yet it should be borne in mind that the effect of those long discussions, so much in favour with certain hon. Members, was to take up a great deal of time, and to delay the progress of Public Business much more than was necessary. On Friday the course taken by the Government, no doubt, was not a usual one. He did not know whether there was any precedent for it or not. Supply was taken under circumstances which he did not think he should be going too far in saying were circumstances which arose from an emergency. It was absolutely necessary that certain Votes in Supply should be taken. It was proposed on Friday to take certain Votes of a non-contentious character at 9 o'clock, when the House sat, and that course was adopted with the full consent of all hon. Members who were present at the time, and who were thoroughly conversant with the matters in question, and aware that what was being done was not to the prejudice of the Public Service. It was very much the same thing whether the Government took Supply at the commencement or the end of the evening when matters were not pressing; but when there was an emergency, and it was absolutely necessary to get the Votes passed, Supply was taken at the beginning of the evening, in order to prevent the possibility of its not being taken at all. And that possibility was not ill-founded, for on Friday night an attempt was made to count out. If that had been done, Supply would not have been taken at all; and, in that event, immense inconvenience would have arisen to the Public Service. With regard to the charge of not having taken Supply on every Monday evening, he must remind hon. Gentlemen that upon several occasions during the present Session the Government had been urged

Votes of Supply we have taken 100, and there are 88 to take—a large number, certainly. We have still to pass 58 Civil Service Votes, and 15 in the Navy. We have taken four, including these three surreptitiously obtained. ["Oh, oh!"] Well, obtained in this unusual way. We have others in the Army, and in the Indian Home charges. We have 88 in all—a very serious number, I admit; and I fully sympathize with the Government in this matter. But why are they in this difficulty? Do not right hon. Gentlemen recollect they took Mondays away from us at the beginning of the Session, and are now entitled to go into Committee on Mondays, without independent Members having the opportunity to interfere with Motions; and I remember we were told by the Chancellor of the Exchequer, with his happy mode of looking at the bright side of things for the future, that by this means we should have Supply so far advanced as to avoid all complications. But the Government have not taken the Mondays for Supply. Why did they not take to-night, or last Monday, or the Monday before? If the right hon. Gentleman the First Lord of the Admiralty had taken these Votes a fortnight ago, he would not have been driven into this corner. Why did he not take them on Monday? I know I may not with propriety refer to what has taken place to-night; but I am quite sure that if the conduct of Business is fairly examined, it will be found that a good deal of the delay has arisen from the mode in which Business has been brought before the House of Commons. Be this as it may, I do say Government should have taken the Mondays for Supply. They have not done so, and now they complain they are driven into a corner; for I am told the First Lord admitted this, and said it was absolutely necessary for the Public Service that he should have these Votes scrambled through as they were on Friday. It is not my object to make an attack upon the Government; but I do wish to give them the opportunity of saying this is not to become a precedent for the future, and to assure us that though Votes are put down preceded by Motions on going into Committee, that we shall not run the risk of losing the opportunity of discussion if we are not down here at the very first moment of the Sitting.

Mr. W. H. SMITH would give the reasons for the course which he took on Friday night. Anyone who took an active part in the proceedings of Parliament would know the reasons which had prevented the Government from putting down Supply for Monday last, or for the preceding Monday. Except on those two occasions, the Government had put down Supply for every Monday. But, with reference to those two occasions, the Government gave them up in order to allow hon. Members to express their opinion upon the course taken by the Government. He might say that he was, personally, responsible for the Votes being taken; and, in the ordinary course, they would have been taken on Monday. But they were unable to be taken that night, and it was a matter of the greatest importance that they should be taken on Friday. Under these circumstances, at 9 o'clock, he asked the hon. Gentleman the Member for Clonmel (Mr. A. Moore), who had a Notice on the Paper, to allow the House to go into Committee, in order that these Votes might be taken, as it was absolutely essential to the Public Service that they should be got through that night. That proposal was accepted by the hon. Member for Clonmel, and was adopted by the House. The hon. Member said that the House was taken by surprise by the course; but it was impossible to communicate to every hon. Member what the Government was about to do. The Government proposed to take these Votes in this manner—they announced it publicly in the House, and appealed to the hon. Member for Clonmel to withdraw his Motion. The hon. Member for Cavan was in his place, and he was by no means careless with regard to the proceedings of the House. No objection was made on that occasion; and if there had been an Amendment put down against the Votes by any hon. Member, an opportunity would have been allowed him to have brought it on. But no Amendment of any kind was put upon the Paper; and the Government felt themselves obliged, in the interests of the Public Service, to take the Votes that night, and they, therefore, took them at an early period of the evening, in order to avoid any contingency which might afterwards occur to prevent them being brought on.

Mr. PARNELL said, that the objection made was not so much that the

Government took the Votes on Friday as that they took them at a time when they did not usually take them. Hon. Members had every reason to suppose that the Government could not take Supply later in the evening; and the conduct of the Government, in taking the Votes in this manner, in his opinion, amounted to nothing less than sharp practice. There were about 650 Members in the House of Commons, and how many of those knew that the Government intended to depart from the usual practice to take the Votes at the commencement instead of the close of the proceedings? And when Votes were taken out of their usual course, and Members were ignorant that they would be so taken, they did not attend in their places to discuss the Votes. He thought that the Government should not adopt any such irregular proceedings as those, and they could, if they chose, have taken Supply on Monday; and, if so taken, it would not have been necessary to do so unprecedented a thing in Parliament as was done on Friday night. The point to which he wished to draw attention more particularly was this—that, up to the present time, they had not taken any Irish Votes in Supply at all. It was a question of great importance to Irish Members to know when Irish Supply was to be taken. There were 50 Notices of objections to the Irish Votes, and yet no sign was made by the Government of their intention to take those Votes. The Government had given up their practice of taking Supply on Monday in favour of certain Bills, and when Irish Votes were reached the opportunity was taken away from hon. Members to bring forward matters of importance which they desired to have discussed. If the Government had continued their practice of going on with Supply on Monday, the Irish Votes would have been taken in their ordinary course. He knew that he should be told that Irish Supply had been brought on, and objection had been made. But that objection was some time ago, and they would not have objection to Supply being taken immediately after the Whitsuntide Holidays; but they were then told by the Government that Irish Supply should not be taken. But when Irish Supply was brought on on the last occasion, the Government had previously allowed them to suppose that it would not have been

brought forward, and all the hon. Members that desired to be present at this discussion were not in their places. He wished to ask whether they were to have an opportunity of discussing the Irish Votes that Session?

THE CHANCELLOR OF THE EXCHEQUER said, that it was absolutely necessary for hon. Gentlemen to understand that the time of Parliament was limited, and that there were certain things which must be done before they separated. Although there were things upon which it was perfectly right to have a full discussion, yet it should be borne in mind that the effect of those long discussions, so much in favour with certain hon. Members, was to take up a great deal of time, and to delay the progress of Public Business much more than was necessary. On Friday the course taken by the Government, no doubt, was not a usual one. He did not know whether there was any precedent for it or not. Supply was taken under circumstances which he did not think he should be going too far in saying were circumstances which arose from an emergency. It was absolutely necessary that certain Votes in Supply should be taken. It was proposed on Friday to take certain Votes of a non-contentious character at 9 o'clock, when the House sat, and that course was adopted with the full consent of all hon. Members who were present at the time, and who were thoroughly conversant with the matters in question, and aware that what was being done was not to the prejudice of the Public Service. It was very much the same thing whether the Government took Supply at the commencement or the end of the evening when matters were not pressing; but when there was an emergency, and it was absolutely necessary to get the Votes passed, Supply was taken at the beginning of the evening, in order to prevent the possibility of its not being taken at all. And that possibility was not ill-founded, for on Friday night an attempt was made to count out. If that had been done, Supply would not have been taken at all; and, in that event, immense inconvenience would have arisen to the Public Service. With regard to the charge of not having taken Supply on every Monday evening, he must remind hon. Gentlemen that upon several occasions during the present Session the Government had been urged

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to bring forward their Business in such a manner as would enable hon. Members to introduce Motions amounting to censure upon the conduct of the Government. They had been anxious that these Motions should be fairly discussed, and for that reason had given up some nights. Then there had been the Customs and Inland Revenue Bill, and the Army Discipline and Regulation Bill, which required to be pressed on. He must put it to the consciences of hon. Members, who had made reflections upon the course of Public Business, to decide who was responsible for the delay of Public Business. Hon. Members knew that the Army Discipline and Regulation Bill was a measure essential and necessary; and they knew the reasons for which the Government had brought it in. On the suggestion that it would necessarily take up considerable time and discussion, Government had agreed to pass a short temporary Act, in order that no delay might occur. One might have thought that by that time the Bill would have passed the House; but although they had now got to the end of June—or, rather, into the month of July, when the temporary Act would expire—they had not got the Bill through Committee. It was absolutely impossible, in the interests of the Public Service, that they could allow other Business, however important, to take precedence of that very important measure. Let them imagine what a state of things would happen if no Mutiny Act were passed. The only course for the House to adopt would be to sit for long after the usual time, and to ask for a prolongation of the temporary Act, while the permanent measure was being passed. Hon. Members must feel that it was the object of the Government in that way to facilitate the taking of Public Business, and to press forward the measures which were necessary. No harm was done by taking the Votes on Friday; and when they proposed to go into Committee at once, they were only proposing to take that course with Votes of a non-contentious character. If they had proposed to take Votes which would lead to a long discussion, there might have been objections to the course which they pursued. But the Government had no intention to do anything of that sort. What was done was only done with the concurrence of hon. Members who were present at

the time. Any hon. Member had a right to oppose the Motion that Mr. Speaker do leave the Chair. He trusted that the hon. Member for Burnley (Mr. Rylands) would be satisfied with the explanation that had been given; and although he was quite right in drawing attention to the matter, he hoped that the House also would be satisfied that nothing had been done that could bear the name of sharp practice. It was only for meeting an absolute necessity that they were obliged to take the Votes in this manner. With respect to the Irish Votes, they were very anxious for them to come on, and they had always promised to take them at a convenient time. It was impossible, however, to put aside other Business in their favour, and they must be brought on when there was an opportunity.

MR. DILLWYN had never before seen anything like the course which the Government had taken on Friday night. Unless the Government carried on the Business of the House in a due and orderly manner, it struck at the root of the confidence of the House. It was not a question of Party, but only a question of the conduct of Public Business. He did not see that there was any necessity, or any emergency, which would justify what had been done. The right hon. Gentleman the Chancellor of the Exchequer had alleged that if Supply had not been taken at the commencement of the proceedings on Friday, it might not have been taken at all. But he would remind the Government that they could always keep a House. There was no objection to taking Votes at an early period of the evening, if Notice had been given; and many hon. Members would have been in their places if they had known that the Votes were to be taken. But by bringing on the Votes without any previous intimation they were got through when very few Members were in the House. His belief was that the Votes were passed two minutes after 9. He was very glad that the hon. Member for Burnley had brought this question forward; and he hoped that the Chancellor of the Exchequer would give an assurance that what had been done would not be used by the Government as a precedent for future occasions.

MR. MONK did not think that the right hon. Gentleman was right in saying that no harm had been done by the

course taken on Friday, for the harm done was that the conduct of the Government would be drawn into a very inconvenient precedent. This was no Party question, and equally concerned hon. Members on both sides of the House. Had a precedent of this kind been established by a Liberal Government hon. Members on the other side of the House would have been the first to have protested against it; and he fully agreed with his hon. Friend the Member for Burnley in raising his voice against any such precedent being established. The right hon. Gentleman the First Lord of the Admiralty had informed the House that it was not taken by surprise in this matter; but he ventured to differ from him. He was in his place at a quarter past 9, and the Votes had then been taken; and had he been there at 9 he should certainly have made some remarks before the House went into Committee. He trusted that, for the future, no Government—either Liberal or Conservative—would ever take such a liberty with the House again.

Mr. A. MOORE said, that on Friday night an appeal was made to him to defer his Motion, on the ground of necessity for the Public Service. He yielded to the appeal on that ground, and should always take the same course for a like reason.

SIR HENRY SELWIN-IBBETSON said, that perhaps the House would allow him to state that it had always been the desire of the Government that the Irish Votes should be properly discussed when they were brought on. He would remind the House, and hon. Members from Ireland, that there were some very important Bills that had to be passed, and that the time they had to do it in was limited. Until a very important Bill which was now in Committee had been discussed Supply would have to be postponed. But when that had been got through they would take the Irish Votes in the regular order; but until that Bill went through everything else must be postponed.

Mr. BIGGAR said, that on Friday night the Votes were taken without discussion, and, in his opinion, the entire proceedings were wholly irregular; and he did not think that it was right to conduct the Business of the House by means of a system of private arrangements. He thought that the Government should

give an opportunity for these Votes, which had been taken in Supply, to be discussed; and for that purpose he should move the adjournment of the debate.

Motion made, and Question proposed.
“That the Debate be now adjourned.”
—(Mr. Biggar.)

Mr. RYLANDS hoped that the Motion for adjournment would not be pressed by the hon. Member for Cavan. In his opinion, the discussion that had been raised would show the Government that the course which they had taken was open to considerable objection, and ought not to be persisted in. There was no reason why they should refuse to pass the Report of Supply now under discussion, as the observations which had been made had been answered in a fair and reasonable manner.

Mr. PARNELL did not think that they ought to ask the Government to postpone the Report of Supply; but he thought that the statement of the hon. Gentleman the Secretary to the Treasury was a most extraordinary one. The hon. Gentleman had stated that he did not intend to bring forward the Irish Votes in Supply until the Army Discipline and Regulation Bill had been passed. It would be seen whether the Government would persist in that determination or not—he rather thought that they would want a Vote on Account before the Army Discipline and Regulation Bill had passed the House; and, in all probability, they would want a Vote on Account in a month's time. They were then at the end of the Session, without a single Irish Vote having been brought forward. It was utterly monstrous that Ireland should be treated in this manner; the same thing had been done year after year up to the present time; and he thought they ought to resent the conduct of the Government in continually postponing Irish Supply until the end of the Session, when it was impossible to freely discuss it. The consequence of postponing these Votes was that no discussion could take place upon them, although they were continually promised by the Government that they should have an opportunity of considering the various questions. The practical effect was that there was no control whatever over the Votes taken for Ireland. He might say that, so far as the efforts of an individual Member could go, he should

Mr. Monk

do his best to prevent Supply being taken at a much later period of the Session.

THE CHANCELLOR OF THE EXCHEQUER: I leave it to the House to judge between the hon. Member and myself as to who is responsible for the delay that has taken place, and which may prevent our arriving at these Votes. If hon. Members will assist us a little by somewhat condensing the speeches they make upon other subjects, I do not think there will be any difficulty in getting the Army Discipline and Regulation Bill thoroughly discussed, and in getting Irish Supply through in good time. The hon. Member for Cavan spoke of some private arrangements; but I can state that all that was done took place openly across the floor of the House. An appeal was made by my right hon. Friend the First Lord of the Admiralty to the hon. Member for Clonmel; and, so far as I remember, the hon. Member for Cavan took part in the discussion which followed. In the discussion which ensued five or six hon. Members took part.

Mr. BIGGAR said, that he did not wish the House to divide upon his Motion, and he begged leave to withdraw it. But, at the same time, he wished to make a personal explanation, as he saw that the right hon. Gentleman was convinced that what he had stated was thoroughly true. He knew that before Mr. Speaker was in the Chair, the hon. Member for Clonmel was sitting on this side of the House, conversing with one of the Members of the Government. Afterwards, he went up to the hon. Member, and asked him to tell him the purport of the conversation.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolutions read a second time, and *agreed to*.

CHARITY COMMISSIONERS' EXPENSES [STAMP DUTY].—RESOLUTION.

CHARITY COMMISSIONERS' EXPENSES, *considered* in Committee.

(In the Committee.)

Mr. MONK inquired the object of the Resolution?

SIR HENRY SELWIN-IBBETSON said, that the object of the Resolution was to fulfil a promise made to the House in the early part of the year, to the effect

that he would introduce and submit to the House a scheme, by which the expenses of the Charity Commissioners, which amounted to about £25,000 a-year, should be met. In the discussion that took place, he stated that he had some difficulty in the matter, and that various suggestions had been made for raising the sum required. He had since been in communication with the Commissioners, and had looked into the matter; and, after some consideration, he had decided to submit to the House a proposal giving effect to the existing law in respect to the Charity Commissioners. A provision was inserted that would enable the Commissioners to issue stamps, by which they would be enabled to obtain their revenue.

Resolved, That it is expedient to authorise the imposition of a Stamp Duty of One per centum on the gross income of Charities towards meeting the Expenses of the Charity Commissioners for England and Wales, and to make further provision respecting the Accounts of Charities.

Resolution to be reported *To-morrow*, at Two of the clock.

VOLUNTEER CORPS (IRELAND)

(*re-committed*) BILL.

(Mr. O'Clery, Major Nolan, Lord Francis Conyngham, Major O'Beirne.)

[BILL 200.] COMMITTEE.

[*Progress*, Clause 2, 26th June.]

Bill *considered* in Committee.

(In the Committee.)

Clauses 2 to 6, inclusive, *agreed to*.

Clause 7 (Power for volunteer to quit corps).

Mr. WHITWELL objected to the power of appeal given to a Volunteer who had been dismissed from his corps by his commanding officer. He did not wish to offer any formal opposition; but simply to inquire what kind of discipline could be maintained over a man after he had been re-instated by the magistrates in opposition to the decision of his commanding officer?

Clause *agreed to*.

Clauses 8 to 21, inclusive, *agreed to*.

Clause 22 (Discipline of volunteer force when on actual military service).

SIR ARTHUR HAYTER begged to move an alteration in this clause, pro-

viding that Regulars might sit on courts martial upon Volunteers. The Army Discipline and Regulation Bill provided that officers of the Regular troops were to be allowed to take part in courts martial upon Volunteers. He thought that a provision of that character should be inserted in this Bill, which provided that courts martial on Volunteers should be composed only of Volunteer officers.

MR. PARNELL thought it would be better to postpone the decision of this question until the English precedent had been decided in the Army Discipline and Regulation Bill. That Regular officers should sit with Volunteer officers in trying members of the Auxiliary Forces, was a change recommended by the Committee that sat last Session; but whether it would be adopted, the House had not yet decided. It would be better to allow the clause to pass in its present form. In his opinion, the Army Discipline and Regulation Bill did not alter the matter. And if the Army Discipline and Regulation Bill altered the law, it would alter the law as regarded Ireland as well, and in that respect would override this Act. Any other course would be forestalling the opinion of the House.

MR. O'CLERY said, that the provision in the Bill was similar to that contained in the previous Acts. He certainly thought it would be best to permit the clause to be passed in its present shape.

MAJOR O'BEIRNE hoped that this clause would be allowed to remain in its present form, as there was a difference of opinion in the Committee which recommended the alteration.

COLONEL LOYD-LINDSAY trusted that the hon. Member would not press his Amendment. No doubt, when the Army Discipline and Regulation Bill was carried, it would alter the law.

SIR ARTHUR HAYTER wished merely to obtain the information from Her Majesty's Government, as to whether the Army Discipline and Regulation Bill would govern this Bill when it was passed? He had no desire, however, having elicited this information, to press his Amendment to a Division.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that if the hon. Baronet would look at Clause 44 of the Act—that dealing with the interpretation of terms—he would see that, under the words "Mutiny Act," the effect would be that the Army Dis-

cipline and Regulation Bill would govern this Act.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 23 to 46, inclusive, *agreed to*.

Schedule and Preamble *agreed to*.

Bill *reported*, as amended, to be *considered To-morrow*.

CUSTOMS BUILDINGS BILL.

On Motion of Mr. NOEL, Bill for the transfer of property held for the service of Her Majesty's Customs to the Commissioners of Her Majesty's Works and Public Buildings; and for other purposes, *ordered to be brought in by Mr. NOEL and Sir HENRY SELWIN-IBRETON. Bill presented*, and read the first time. [Bill 228.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 1st July, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Tramways Orders Confirmation * (135).

Second Reading—Public Health Act (1875) Amendment (Interments) (123); Salmon Fishery Law Amendment (No. 2) * (126).

Committee—Gas and Water Provisional Orders Confirmation * (101).

Committee—*Report*—Dispensaries (Ireland) * (88).

Report—Supreme Court of Judicature (Officers) * (129).

Third Reading—Local Government (Poor Law) Provisional Orders * (96); Local Government Provisional Orders (Aspull, &c.) * (113); Consolidated Fund (No. 4) *; Customs and Inland Revenue *.

PUBLIC HEALTH ACT (1875) AMENDMENT (INTERMENTS) BILL.

(*The Earl Stanhope.*)

(NO. 123.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL STANHOPE, in moving that the Bill be now read the second time, said, that during the last three years there had been most important and exhaustive debates in that House respect-

Sir Arthur Hayter

ing the laws relating to the burial of the dead; yet it was remarkable that, whereas there had been no less than five Bills introduced into the other House relating to burials, there had not been a single discussion this Session on the subject in their Lordships House. The noble Earl the Leader of the Opposition (Earl Granville) had on every occasion taken great interest in the question; and in 1877 had expressed his regret that there was no allusion to a Burial Bill in the Queen's Speech. Towards the end of April in that year, Her Majesty's Government brought in a Bill to amend and consolidate the laws that related to the burial of the dead. That Bill was read a second time, after a division, but in Committee it was withdrawn. Now, what was the state of the law as it at present stood? By the common law, every parishioner had the right of interment in the parish churchyard, irrespective of his religious creed. By ecclesiastical law, he had a right to the performance of the Service of the Church of England; but that was the only form of religious service that could be performed there. Many of the Dissenters thought this a great hardship; but the majority of them accepted without complaint the Burial Service of the Church of England. It was, however, asserted to be a great injustice not to allow any other service but that of the Church of England in the parish churchyard. He was ready to admit there might have been some grievance before church rates were abolished, and when everyone was expected to contribute to the church fabric and to the keeping in order of the fence round the churchyard; but he ventured to think that the grievance was now only a sentimental grievance. Those who had left the Church were not called upon to contribute towards the maintenance of the church graveyard, and if they still wished to be buried, they almost invariably accepted the Service of the Church of England—or occasionally, as in Scotland, performed the service at their own chapels, and committed the body to the grave without any further religious service. There were also many parishes in which Nonconformists had established their own burial-grounds, and in some of them the same rule applied as in the Church of England. For instance, in the Society of Friends, a resolution was

passed in the year 1861 to the following effect:—

“Burials of persons not members of our Society may take place in our burial-ground, provided they be in all respects conducted as the burials of Friends are conducted.”

They had heard much lately respecting sentimental grievances, and these grievances had been embittered by religious animosity and by political prejudice; but they often passed away when the heat of controversy was over. The religious difficulty in elementary schools was one of such grievances, but it was now never heard of—except, perhaps, in Birmingham; and the famous 25th clause of the Education Act for the payment of school fees had actually been repealed by the author of the Act because it was no longer required. He would now come to the objects of the Bill which he asked the House to read a second time. It was a very small Bill, containing only three clauses, and its object was to dis sever the question of interment from any vexed subject of religious controversy. He had been a little surprised and startled, therefore, when he saw that the noble Earl opposite (Earl Granville) intended to move its rejection. He had been anxious to see a settlement of the question, and here was an instalment towards its settlement on a broad and liberal basis. The Bill provided that the provisions of the Public Health Act, 1875, as regarded “mortuaries” or places for the reception of the dead before interment should extend to places for the interment of the dead, in this Bill called “cemeteries;” that local authorities might acquire and maintain a cemetery, either within or without their own districts, subject, as regarded any cemetery situated without their district, to the regulations of the Public Health Act in regard to advertising and duly giving notice; and the local authorities were authorized to accept or acquire land for the purpose of a cemetery. And it further incorporated the Cemeteries Clauses Act of 1847. Those were the only provisions of the Bill. There were now cemeteries provided in England and Wales for 14,000,000 persons out of 22,000,000—leaving 8,000,000 to be supplied; and the Bill, by giving the ratepayers a direct interest in obtaining cemeteries, would have the result of supplying that deficiency. It would

also place the matter under the Local Government Board, who, unlike the Home Office, had numerous local Inspectors. He need not remind the House that the local authority meant in the Act of 1871 the urban and rural sanitary authorities. The whole Kingdom was divided into urban and rural sanitary authorities; thus an existing machinery would be utilized for providing cemeteries through the length and breadth of the land. He was at a loss to understand why the noble Earl (Earl Granville) should quarrel with this proposal. During a discussion on the Government Bill in 1877, he had objected to such powers being conferred on vestries, because, to quote his own words, the noble Lord said—

"I do not think a vestry would be a good body to undertake those duties with or without a committee of ratepayers; and with regard to the election of these committees, I think it would be a great pity to infuse into the parishes fresh elements of religious discord." — [3 *Hansard*, ccxxiii. 1873.]

But, perhaps, the noble Earl considered that the area of a local authority was too large a district. In that case, by Clause 202 of the Public Health Act, a local authority might appoint parochial committees. He had such a parochial committee in his own village in Kent, appointed by the Board of Guardians to assist the school attendance committee; and so harmonious was it in its action, that it included members of all denominations, who co-operated most amicably in filling the parish voluntary school. Again, it might be urged that it would entail a great additional expense on the ratepayers; but that would be the ratepayers' own fault, inasmuch as they elected their own representatives on the local authority Boards. Lastly, it might be said the whole of the ground provided would in all cases be consecrated under the Cemetery Clauses Act. That would not necessarily follow. Those Acts had worked well for many years, and the local authority would not have any more power to extend unduly the area of consecrated ground than any commercial company would have. He wished to point out to the House that the proposal of making local authorities the burial authority originated with a distinguished Member of a former Liberal Government—Mr. Hibbert, who was formerly Secretary to the Poor Law

Board. Last Session, Mr. Hibbert presided over a Committee of the House of Commons on the Election of Poor Law Guardians, and after a most careful and elaborate investigation, they adopted the Report, of which he would read the first two sentences. They reported—

"That Burial Boards where they exist in urban sanitary authorities shall be merged in the urban sanitary authorities of such districts respectively. That whenever practicable the powers of Burial Boards in rural sanitary districts in England shall be transferred to Boards of Guardians or the rural sanitary authority of the district."

He hoped the noble Earl opposite would act in a liberal spirit and support a measure which he (Earl Stanhope) thought formed a real instalment towards the settlement of this question. It was a miserable thing to quarrel over the ashes of the departed. The noble Earl concluded by moving that the Bill be read a second time.

Moved, "That the Bill be now read 2." — (*The Earl Stanhope.*)

EARL GRANVILLE: My Lords, I can assure the noble Earl who has moved the second reading that, instead of being prepossessed against the Bill, I am very much prepossessed in its favour by the moderate and cautious way in which he has introduced it; but I cannot admit that because the Bill is a small one it ought not to be opposed. I share the noble Earl's views that this question was fully discussed and satisfactorily disposed of, so far as this House was concerned, two years ago; and I have not the slightest intention of initiating a debate on the subject at this stage of the Bill. But I wish to call the attention of the House to the Bill itself. The noble Earl has spoken of the *cur* which this Bill received in its passage through the House of Commons. I have made inquiry, and I am informed that one of the principal stages of the Bill was postponed six times, another nine times, and the Bill passed on three occasions, either by good luck or good management, just before the House adjourned, and in the absence of those who had given Notice of opposition. I do not quote this as a reason why your Lordships should reject the Bill, but merely to destroy the notion that it has received the deliberate sanction of the House of Commons—nearly every Member of which is probably per-

Earl Stanhope

fectly ignorant of its contents. My objections to the second reading of this Bill are grounded on its form, its substance, and its machinery, or, rather, want of machinery. It is, as was said of another measure the other day, a memorandum for a Bill, and a very meagre memorandum, rather than a Bill itself. I doubt whether the most learned of your Lordships could tell what this Bill does merely by reading it—I am sure that the noble Earl who moved it has not yet fully mastered its contents. The title is inappropriate and misleading. It is not an Amendment of the Public Health Act—it is an alteration of the Burial Laws. The provisions of the Public Health Act of 1875 deal with sanitary measures, sewage, supply of water, buildings, lodging-houses, lighting, slaughter-houses, nuisances, smells, unsound food, and matters of that sort. It contains nothing about burials, excepting provisions for a mortuary for the reception of dead bodies before interment and their removal to such mortuaries and places for *post mortem* examinations. It is on this slight peg of a mortuary that the Bill engrafts powers which would certainly make it possible to provide exclusively denominational cemeteries at the expense of the rates. At the present moment cemeteries can be provided in either of two ways—first, by a private company at its own expense. Such a company—since it works at its own expense, and not at the expense of the rates—may confine itself to a consecrated ground, or to persons of any or no religious denomination. To such companies the Cemetery Clauses Act applies. But because it was passed as a Consolidation Act of the previous Cemetery Private Acts before the tolerant enactments of the Burial Acts were agreed to, and because it does not deal with rates at all, that Act imposes no obligation of toleration, no safeguards for the protection of the interests of Nonconformists. Cemeteries can also be provided by local authorities at the expense of the rates. Such cemeteries, however, are governed by the Burial Acts. As such cemeteries are made at the expense of the rates, provisions are made for compelling the division of cemeteries into consecrated and unconsecrated parts, for unconsecrated chapels, and otherwise for the purpose of toleration. Under this Bill,

which connects the Cemetery Act with the Public Health Act, with which it has no real connection, while it entirely omits the provisions in favour of Nonconformists contained in the late Burial Acts, local authorities would be able to provide, at the expense of the rates, cemeteries of an exclusively denominational character, free from any of the obligations and safeguards of the Burial Acts, and in all respects as if they were private Companies. As to the machinery, I believe the Bill would prove unworkable. There is no provision for the dissolution of existing Burial Boards. If a new cemetery is established under it in any town where there is now a Burial Board with a debt, the new cemetery would probably withdraw from the old one the means of paying off the debt. There will also be double burial authorities in one place. The Burial Acts contain elaborate provisions for the working of those Acts; but, as those provisions are not incorporated and no substitutes provided for them, I believe the Bill to be unworkable. The noble Earl alluded to the Bill that was introduced by Her Majesty's Government two years ago. That Bill was a consolidation of all the Burial Acts—including, of course, those which are now omitted. The Bill was carried on the second reading; but it was afterwards abandoned by the Government in consequence of a considerable majority, led by a Conservative Peer, who was also a staunch Churchman, and followed by a large number of the most Conservative Members, passing an Amendment declaring that further legislation should be accompanied by a substantial redress of the burial grievance complained of by Nonconformists. I certainly do think that, your Lordships having expressed the opinion you did in 1877 that substantial justice should be done to the Nonconformists, it would be extremely inconsistent for your Lordships to pass a crude measure like the present, which, far from consolidating the Burial Acts, adds another inconsistent one to them, and which, instead of advancing in the direction desired by your Lordships, is of a decidedly retrograde character from that which now exists. I think I have said enough to justify me in moving the rejection of the Bill; and I move that this Bill be read a second time this day three months.

Amendment moved, to leave out ("now") and add at the end of the Motion ("this day three months").—*(The Earl Granville.)*

On Question, That ("now") stand part of the Motion? Their Lordships divided:—Contents 116; Not-Contents 65: Majority 51.

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Northumberland, D. Bath and Wells, L. Bp.
Richmond, D. Carlisle, L. Bp.
Rutland, D. Chichester, L. Bp.
Ely, L. Bp.

Abergavenny, M. Gloucester and Bristol, L. Bp.
Bristol, M. Hereford, L. Bp.
Bute, M. Lincoln, L. Bp.
Hertford, M. London, L. Bp.
Salisbury, M. Peterborough, L. Bp.
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Amherst, E. St. Asaph, L. Bp.
Beaconsfield, E. Winchester, L. Bp.

Belmore, E. Alington, L.
Bradford, E. Ashford, L. (*V. Bury.*)
Brownlow, E. Balfour of Burleigh, L.
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Dartmouth, E. Brodrick, L. (*V. Middleton.*)
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and Orrery.*) [*Teller.*]
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Carysfort, L. (*E. Carys-
fort.*)
Churchill, L.
Clermont, L.
De Freyne, L.

Resolved in the Affirmative.

THE EARL OF KIMBERLEY: I beg leave to say that, not having heard the views of Her Majesty's Government with regard to the Bill, I shall on the proposal that the House go into Committee, renew the Motion, and move that the House resolve itself into Committee on this day three months.

THE LATE PRINCE IMPERIAL.

QUESTION. OBSERVATIONS.

LORD TRURO asked Her Majesty's Government, Whether the statement made in an evening journal is true, that the late deeply lamented Prince Imperial was himself in command of the troops sent out to reconnoitre, with the view of seeking a fitting camping ground? The noble Lord said, he thought that their Lordships would not need from him any apology for calling their Lordships' attention, by way of a Question, to the very circumstantial account given of the lamentable death of the gallant Prince Imperial. The circumstances disclosed in the accounts published in the Press affected the management, discipline, honour, and sensitiveness of the British Army; and, indeed, the statements published manifested most clearly, he thought, the irresponsible manner in which the campaign in South Africa had been carried out. It seemed that the responsibility was anywhere and nowhere; and the confusion that arose would unquestionably lead to the opinion that there was a want of system and discipline, and an absence of prevision and of retrospection, and, above all, a want of ordinary precaution in carrying out the duties connected with that campaign. Before he proceeded with the few remarks with which he should trouble their Lordships, he should like to call their attention to the unfortunate want of communication which rendered the Government altogether behindhand in their arrangements. It was strange that the public papers in this country should be provided not only with general information, but also with an amount of minuteness with regard to circumstances that had happened, whilst the Government appeared to be in a state of perfect ignorance in relation to them. In order to deal with the matter with strict impartiality, he thought that they should look for a moment to the occasion that led to the Prince Imperial leaving this country; and he begged, with all possible deference, to say that it seemed to him that either Her Majesty's Government, or His Royal Highness the Commander-in-Chief certainly, or both of them, had taken upon themselves a responsibility of the most grave character. It might be that the Government would be pleased to share the responsibility with the

Commander-in-Chief; but, in any case, he thought that no Member of their Lordships' House would fail to take this view—that the responsibility which now rested upon the Government or the Commander-in-Chief, or upon both, was a very serious and grave one. The application of the Prince Imperial, in the first instance, was, he believed, that he should be allowed to take an active part in the campaign, and the Government having considered that request, came to the conclusion that it would be inexpedient that he should take an active military part in that campaign; but could it be said that the permission afterwards granted to that young Prince to go to South Africa at all was consistent in any way with the decision that he would take no active part in the campaign? His Royal Highness the Commander-in-Chief was kind enough to read to their Lordships two letters, and he (Lord Truro) begged their most earnest attention to those two letters. They were not satisfactory, inasmuch as they did not convey to his mind that earnest determination and decision that would be likely to impress upon the Commanders in South Africa the necessity of abstaining from, in any way whatever, giving to the gallant young Prince any active employment. It was perfectly true that that young Prince might of his own free will have gone to South Africa; but there was a great difference between giving him an acting command and forbidding him altogether to go. It was unreasonable to suppose that that active young Prince would remain quiet, or that he would not extract from the military authorities some opportunities of distinguishing himself before the eyes of Europe, and especially before the eyes of France. What, in fact, happened? The thing was done, and the young Prince obtained leave from the authorities here to go to South Africa—he (Lord Truro) would not even say that he had permission to join the Army there; but he had permission to go there. What was the first step taken? It was that Lord Chelmsford made him *aide-de-camp*, and attached him to his own Staff; and he (Lord Truro) should be glad to hear whether that was a civil employment, or whether it was not an expressly military position? He confessed that, possibly in his ignorance, he laboured under the

impression that the very fact of putting him into the position of *aide-de-camp* to the Commander-in-Chief of an Army in the field would give him a certain military qualification which without it he could not have obtained. Then, where was he? He was in the camp of Lord Chelmsford. He was sent by Lord Chelmsford to the Quarter Master General. Did he go there simply with despatches, or did he go there ostensibly for the purpose of getting employment, and at the instigation, or, at all events, with the sanction, of Lord Chelmsford, and that notwithstanding what was written of him by His Royal Highness the Commander-in-Chief? He (Lord Truro) would not wish to press hardly upon Lord Chelmsford, for he believed that his anxiety and his troubles were very great; and that the additional burdens which had fallen upon him were enough to bear him down even to the grave. This young Prince obtained leave from Colonel Harrison to prosecute this reconnaissance, in which he lost his life, in order to find a fitting camping ground. He (Lord Truro) asked whether, of all the duties, there was one that could be more dangerous than selecting such a ground? On a previous occasion what happened to Lord Chelmsford? He thought it fit to go with proper security to ascertain what would be a proper and convenient ground for having a camp. It was said by competent military men that a more unfortunate position could not have been selected, and of that opinion the confirmation they had in the result was overwhelming. Then, this was a young man with no previous experience in the field, who had lately come from a military College, and who had very recently landed in the country. It was most unfortunate, and hardly conceivable, that this young man should be selected out of the whole Army to fix upon a position where the British Army should encamp. In South Africa we were said to have no less than eight able Generals, and to have there an amount of experience never exceeded in the British Army; and could it be conceived that this young Prince should, of all men in the world, have been selected for this most important purpose? But there was more. It was cruel, he had almost said wicked and inhuman, for men in a responsible position, and men of experience, to allow this young man to go

Lord Truro

upon such an expedition with insufficient force and protection. He believed that at the outside there were sent with him only ten men, and that including a young officer, Lieutenant Carey. Whether that officer had greater age and more experience than the Prince, he (Lord Truro) could not say; but this he knew, that both Lieutenant Carey and the Prince had been upon that very ground a short time before—not, perhaps, attacked—but fired upon by Zulus; and with that knowledge, was it conceivable that Colonel Harrison should have sent them upon such an expedition with such an inadequate support as nine or ten troopers? These men also were armed with only three rifles, and they had two led horses. It was clear from the narratives that the Prince commanded the party. He ordered a halt, he ordered a renewed march of an hour's duration; then, after another halt, which he also ordered, he, unhappily too late, directed the horses to be saddled. How was it possible, after the letters of His Royal Highness, that so fatal an error could have been committed? A more unfortunate campaign than that had never been known; and when the country came to look at it, he believed that they would say to the Government—"Important and successful as may be your foreign policy, valuable as may be your domestic measures, you have placed the country in a state as regards its Army which is most unfortunate and most insecure; and as to the mode in which you have conducted the South African campaign you have brought on us eternal disgrace." God forbid that the campaign should end in the condition in which it was now, with disgrace to the Army, and disasters such as in the lifetime of their Lordships had never yet been known.

VISCOUNT BURY said, he did not intend to follow the noble Lord in his speech on this subject—he would merely answer his Question. One word, however, he must say—and he was sure that on both sides of the House he would be supported by the opinions of their Lordships when he said he could not but think that it was a pity that the noble Lord should take advantage of his privilege of free speech in that House, and of the deep sympathy which was universally felt for the fate of the late Prince Imperial, to throw broadcast—

without proof, without waiting for reliable information—censures, as he had done, loud and long, and couched in almost violent language. This the noble Lord had done, having nothing before him but the irresponsible statements of journalists in this country, and without waiting for the result of the Court of Inquiry, which the noble Lord must well know was now sitting in South Africa to investigate this most unhappy event. In these circumstances, he (Viscount Bury) would only express his regret that the noble Lord had not reserved his words of censure until he had some proof before him that they were deserved. In reply to the noble Lord's Question, he had to say that Her Majesty's Government had no further information to impart than that which was already before their Lordships and the country. The noble Lord asked whether the statement made in an evening journal was true—that the late deeply-lamented Prince Imperial was himself in command of the troops sent out to reconnoitre with the view of seeking a fitting camping ground? He had only to state that he had not seen the words of the journal referred to—indeed, he did not know what journal was referred to; but he was quite sure that it must be misinformed, and that the statement was not true. The illustrious Duke the Commander-in-Chief informed their Lordships' House and the country the other day that the Prince Imperial did not bear Her Majesty's commission, and, therefore, that it was quite impossible he could have exercised any military command. It was quite true that Lord Chelmsford placed his Imperial Highness as extra *aide-de-camp* on his Staff; but he did that for the purpose of welcoming, as the guest of England, at his camp a distinguished stranger, and also for the purpose, in a country where he need not say there were no means of buying them, of obtaining forage and rations, and of giving him a home. It was for that purpose, and that only, that the Prince Imperial was placed on Lord Chelmsford's Staff, and not in any military capacity. It was, therefore, not possible that he could have been in command of the party in question—especially as, if the reason he had already given were insufficient, he was in the presence of an officer very much senior to himself.

THE EARL OF KIMBERLEY said, that from the letters read by the illustrious Duke the other night, and from what had been said that night, their Lordships would conceive that the lamented Prince could not have been, properly speaking, in command; but what he desired to know was, whether the noble Viscount could say that the Prince was not actually in command?

VISCOUNT BURY: The Prince Imperial did not bear Her Majesty's commission, and, therefore, I am safe in saying he did not exercise any military command.

House adjourned at half past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 1st July, 1879.

MINUTES.]—PUBLIC BILLS—*Resolution* [June 30] reported—*Ordered*—*First Reading*—Charity (Expenses and Accounts) (No. 2) * [230].

Second Reading—Poor Law Amendment (No. 2) [212], debate adjourned; Supply of Drink on Credit [224]; Cork Borough Quarter Sessions * [226]; Children's Dangerous Performances [229].

Referred to Select Committee—New Forest Act (1877) Amendment * [210].

Committee—Indian Marine (*re-comm.*) [211], debate adjourned.

Committee—Report—Inclosure Provisional Order (Whittington Common) * [207].

Considered as amended—Volunteer Corps (Ireland) * [200].

The House met at Two of the clock.

PRIVATE BUSINESS.

EAST INDIA RAILWAY BILL (*by Order*).

CONSIDERATION.

Order for Consideration, as amended, read.

MR. J. G. HUBBARD said, the Bill had been referred to a Select Committee, and it would, perhaps, be for the convenience of the House that he should describe the objects of the measure.

MR. SPEAKER asked if the right hon. Gentleman presented himself as one of the promoters of the Bill?

MR. J. G. HUBBARD said, he was in charge of the Bill, and it was in that capacity that he ventured to introduce the measure to the House. Considering the great importance of the question, he felt satisfied the House would give him their attention for the short time he should have to trouble them. The Bill was one which had for its object the conveyance from the East India Railway Company to the Government of India of the property of the East India Railway. The line consisted, in the first place, of a main line from Calcutta to Delhi, and, in the second, of a branch line from Allahabad to Jubbulpore. The Company, having complied with the requirements of Parliament, obtained a lease in 1854, which was executed between the old East India Company and the East India Railway Company. The East India Company was now represented by the India Government, and, in addressing the House upon the Bill, he should speak of the Government of India as the Government. The conditions of the two separate lines were these. Both of them were granted on a lease of 99 years; but while the original lease was dated from February, 1854, that of the branch line from Allahabad to Jubbulpore was dated from the year 1858. The two leases running for equal periods had different conclusions, otherwise the conditions of both were very much the same. The conditions of the lease under which the property was held by the East India Railway Company, were briefly these. The term was for 99 years, and at the end of those 99 years, the lease, if not previously dealt with, would absolutely lapse to the East India Company or the Government. There were, however, two alternative propositions. One was that the property itself might be surrendered by the East India Railway Company at any period short of the ultimate 99 years, receiving from the India Government the entire amount of the capital which had been expended on the property. The other alternative was the purchase by the India Government of the Railway at a period of 25 or 50 years from the origination of the lease. With this view of the contract before them, the India Government had, in the course of the last two years,

directed their attention to the policy of acquiring absolutely the possession of this undertaking, and they determined to enter into negotiations which were to lead ultimately to the acquisition of the property. They found themselves in this difficulty—that whereas they felt it to be essential to acquire the possession not only of the main line, but of the branch line, there was this difference in the arrangement for the purchase, that, according to the contracts, the one was to be claimed four years earlier than the other. With regard to the first alternative—the absolute lapse of property at the end of 99 years—that, of course, would be out of the question. The Railway Company would never think of permitting the property to run out absolutely, because at any period short of the end of the lease they could surrender it, and receive back the whole of the capital. That being the case, they had a choice between two positions. The Government might wait until the Company surrendered the property, or they might themselves propose the purchase of it. They determined to purchase, and having decided upon purchasing, they had then to consider the terms under which, according to the contract, which was to be their guide, they could come to a settlement with the Company. It was obvious from the first that it was impossible for the Government to effect the entire purchase on the precise terms of the contract, inasmuch as the different periods of time assigned for the separate portions precluded such a course. They had, therefore, no alternative but to attempt an amicable arrangement of the difficulty; and, by a fair and reasonable revision of the whole matter, conclude a new and independent contract with the East India Railway Company. Looking at the affair in that light, they found that the notice which under the contract would have to be given by the Government to the Company, must be given after February 15th, 1879, and before August 15th, 1879, if they acted upon the mere legal notice. If they waited until then, they had the power of acquiring the main line under the terms of the original contract. But as they desired to effect an arrangement before February 1879, it became necessary to concert terms which might be satisfactory to both parties. The Government, therefore, put themselves into communication with the chairman

of the Railway Company, and, after some consideration—he believed it was upon the 1st of November, 1878—a letter was addressed by Sir Louis Mallet, on behalf of the India Government, to Mr. Crawford, the chairman of the Company, stating the terms on which they were willing to negotiate. Those terms were directed to the accomplishment of the two purposes they had in view—namely, the simultaneous acquisition of the main line and the branch line to Jubbulpore, and, also, another object which the Government laid great stress upon—the continuance of the Company in such a form as to make them the administrators of the Railway, on behalf of the Government itself. Then, with regard to the terms. The terms the Government proposed to the Company were these. They took the shares of the Company, amounting to 26,200, which were nominally of £100 each, and they had, in the first place, to set a value upon them. The value set upon the shares should have been determined by the average market price of the stock for the three years immediately preceding the day upon which the notice was given; but the Government, under their arrangement, never could reach that point, because they determined to deal with the matter before the three years were completed. They had, therefore, to make an approximate value of the property, and they did so by taking the average value of the shares, not for three years, but for two years and eight months, that was up to the date of the letter addressed by Sir Louis Mallet to Mr. Crawford. Having fixed upon the period of valuation, it was found that up to the end of October the average price had amounted to £124 3s. 5d. Why, with that evidence before them, had the Government introduced into their offers a price of £125? This was their reason. The Railway itself had been advancing in prosperity. The price of the shares before the time the negotiations commenced appeared to have been constantly ascending. So much was that the case, that in July, August, and September, the average price of these shares was £130 15s.; but the notoriety of the fact that the chairman, on behalf of the Company, had been in communication with the Government for the surrender of this property had a very depressing effect, and the shares

fell, until they reached about £124. The consequence was that, taking the actual average of the two years and eight months, the average price of the shares was £124 3s. 5d., or 16s. 7d. less than the £125 offered by the Government. But the Government, considering the circumstances under which this depreciation took place, were of opinion that they afforded substantial reason why, in an amicable contract, they should attempt to measure the price by a fair adjustment, rather than by the average price derived from the period of two years and eight months. They, therefore, proposed £125, which had this further convenience, that it just enabled them, in dealing with subsidiary arrangements, to add 25 per cent premium to the nominal amount of the shares. He believed that afforded a satisfactory reason why that alteration was made in the nominal value of the shares. Then came another arrangement. The Government, having made up its mind to the purchase, had to make up its mind as to the way in which it would pay for the purchase. According to the original contract, the Government were to pay in cash, or yearly instalments, up to the termination of the lease, the whole payment being thrown into the form of terminable annuities. In order to provide for the computation of these annuities, it was necessary to fix the rate of interest at which they should be calculated, and, according to the contract, this interest was to be the interest at which the Secretary of State for India, or the East India Company in the old *régime*, had borrowed money during a period of two years immediately preceding. In arriving at the ascertainment of the interest, the Government found that the clause in the original contract was of a very peculiar character. So much so, that, although he did not propose to trouble the House by reading documents, it would be necessary to read this, because, in a great measure, the whole merit or demerit of the arrangement depended upon the particular terms defined. The terms upon which the Government and the Company both agreed to proceed in ascertaining the interest were these. They were to take all the bond stock and the other public obligations of the Secretary of State for India, and were to calculate upon that basis the aggregate interest, which appeared

in the result to amount to the sum of £4 6s. per cent. A great deal of comment had been made upon this sum of £4 6s., as being an excessive rate, considering that at the time the arrangement was made the India Government, in this country, were able to borrow money at 4 per cent. However, that was the contract, and this was the interpretation put upon it by those who had the management of the arrangement. The consequence was that £4 6s. was taken as the sum to be applied to the amount of £125 per share, which was fixed upon as the value of the stock. If he had been called upon to say what he thought should be the amount of interest, he might have given a different rate; but the question was dealt with in the contract with words so technical and precise, that it was simply impossible to escape from the obligation. Perhaps the House would allow him to point out how this bore upon the results—£4 6s. being taken as the rate of interest instead of £4, or even less, the amount itself was, of course, proportionately increased. But he asked the House to remember that they were not there to criticize the exact execution of a definite contract, but rather the rate at which two public bodies were making an arrangement in regard to which an absolute contract was not to be observed. That being the case, they must also consider that the Railway Company who were parting with their property were not willing sellers. They were not seeking to divest themselves of valuable property which they possessed; but they were asked by the Government to part with it, and they had a right to inquire what they would be able to do with their money when they were paid off. The proprietors had been in the habit of receiving 6 per cent per annum, and they would be exceedingly loth to part with their property for an investment at 4 per cent, and if they took the rate of interest in connection with Indian Securities as their guide, they found that at the very same moment this negotiation was being made here by the Secretary for India in Calcutta loans bearing 4 per cent interest were being made by the Indian Government at 94 per cent, which, taking stock and premium together, produced nearly 4½ per cent. He asked the House to compare all these things, because, unless they looked at

every point, they would do injustice to the arrangement which had been made. There was another fact which must be considered, and it was a practical one. What was the result of this arrangement on the value of the East India Railway stock? At the present moment its value was £125 10s. For that stock the Government had agreed to give £125—not an extravagant price when it was borne in mind how Her Majesty's Government had been compelled to pay for property they purchased even in recent times. It was not necessary to go further back than the purchase of the telegraphs. In the case of this Railway, they had only paid an amount equal to the value of the property. At any rate, that was the judgment which he himself should pass upon the transaction. He had undertaken to bring this measure before the House simply as one of the Members for the City of London. He had no other interest in it, and he was only anxious to give the House a fair representation upon which they might judge for themselves whether the arrangement between the Government and the Company was satisfactory or not. He did not propose to enter at all into the question of the policy of the Government. That was a matter beyond his power, and at the present moment he did not feel himself called upon to enter into it. But, assuming that they had good reasons for making the purchase, then he said that he could not find anything censurable as to the terms agreed upon between them and the owners of the East India Railway. He should like now to sum up what would certainly be his own view of the case, by quoting a few lines from the last Indian Budget. In the Financial Statement which came from India, a small portion was devoted to this subject, and the way in which it spoke of this particular contract was one which entirely coincided with his own view. The Indian Budget said this—

“Although, perhaps, by the letter of the bond even better terms might have been exacted, there is good reason for the belief, the intention of the original parties to the contract has been substantially fulfilled, and it is a cause of much satisfaction to the Government of India that this important transaction has been concluded without any breach of the friendly relations between the Government and the Company.”

He would make no allusion to the

Mr. J. G. Hubbard

Amendment which his hon. Friend the Member for Hackney (Mr. Fawcett) had placed on the Paper, because if his hon. Friend propounded any proposal at variance with what he (Mr. J. G. Hubbard) had stated, there would be an opportunity of replying to him. The right hon. Gentleman concluded by moving that the Bill, as amended, be now taken into consideration.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into consideration."—(Mr. J. G. Hubbard.)

MR. FAWCETT, in rising to move,

"That this House, adopting the recommendation contained in the Special Report of the Committee to which this Bill was referred, is of opinion that its provisions should not be regarded as a precedent for defining the terms on which the Indian Government may hereafter exercise its right of acquiring possession of the other guaranteed Railways in India."

said, he knew that the House entertained a not unnatural objection to the prolonged discussion of a private Bill; but he thought he might claim their indulgence for a short time, when they considered the great importance of the issues that were involved in the question. The Committee to which this Bill had been referred unanimously came to the conclusion that, considering the great questions of public policy that were involved, and the financial issues that were raised, it ought not to be regarded as a private, but a public Bill of the first importance. Treating the question especially as a financial one, he was sure that conclusion of the Committee would impress itself on the common sense of hon. Members on both sides of the House; for very seldom did anything connected with an Indian question involve graver financial issues than this, both in regard to the present and to the future. The Bill asked the House of Commons to ratify a purchase, the amount of which was no less than £32,000,000. That was an amount which represented, within very little, the entire net revenue of India for a single year, and about one-fifth of the entire Debt of India. But, important as was the Bill, simply looked upon in its immediate effect, when they regarded what might be its future effect the Bill became still more important.

The Bill would, probably, become a precedent or a guide for the purchase of all the guaranteed railways in India, and the purchase of those guaranteed railways would involve an outlay, considering the price it was now proposed to pay, of £100,000,000. He thought these few preliminary remarks would be sufficient to convince the House of the great importance of the subject they were now considering. The question was, undoubtedly, a very complex one, and he could only say that he would do his best to explain it fairly to the House, and with as much clearness and brevity as possible. The great trunk railways of India were constructed on the principle that the Government should guarantee 5 per cent on all the capital expended. To the East India Company a lease was given, as his right hon. Friend opposite had clearly explained, of 99 years, with the power at any time, at certain stated intervals of 25 years, of the Government purchasing the lines that were constructed, either by making the payment in a lump sum, or by a deferred payment in the shape of an annuity. In the description which had been given by his right hon. Friend of these contracts, there seemed to be a most serious misapprehension in his right hon. Friend's mind, which went through the whole of his description. The right hon. Gentleman constantly spoke of this transaction as if it was a matter of option with the shareholders of the Company whether they sold the line to the Government or not. His right hon. Friend said—"Do you think they would have taken such-and-such terms?" Now, it could not be too distinctly understood by the House that the Company had no option whatever. Nothing could be more clear and precise than that the Government had, with regard to all these guaranteed railways, whether the shareholders wished it or not, a compulsory right to purchase them, on certain terms laid down in the contract. Therefore, all the remarks of his right hon. Friend, about the shareholders being willing to sell, absolutely fell to the ground. He (Mr. Fawcett) had remarked that there were two ways in which, at the end of 25 years from the granting of the original line, these railways could be acquired. They could be acquired by the payment of a lump sum down; and the price which was to

be paid was the average price of the shares in the London market for the three years previous to the purchase; or, estimating the price of the shares at the same amount, they could be purchased, not by a lump sum, but by a deferred payment in the form of an annuity, and the interest on that annuity was to be calculated upon the interest received on the obligations of the Indian Government in England during the previous two years, which interest was to be ascertained by application to the Governor and Deputy Governor of the Bank of England. At the end of 99 years, if the line was not purchased, it lapsed to the Government free of cost; but, as often was the case in regard to the administration of Indian affairs, they came now to a Proviso, which was really to be looked upon as a memento of the extraordinary laxity and carelessness with which the finances of India were treated. After the Government had asserted a right to acquire the possession of these lines, free of cost, they absolutely got rid of that right by another Proviso, which gave the Company power, at any moment, even a day before the lease expired, to surrender the undertaking at par. There was no use in crying over spilt milk; but these contracts, from beginning to end, were based on the principle of "Heads, I win; tails, you lose;" and the Indian people were in the unfortunate position of "Tails, you lose." He came now to the particular transactions. He had already described the principles upon which this contract was generally based, and he had described it as it was presented before the Select Committee by those who represented the views of the Indian Government. The Indian Government would have the power, in February next, of exercising the compulsory right of purchase, which he had described; but instead of doing that, for reasons which he would presently explain, they anticipated this compulsory right of purchase, and in the month of November last entered into negotiations with the East India Railway Company. The justification they alleged for doing this was simply the following:—They said that if this line had to be suddenly surrendered to them in February—if, for instance, on the 31st of January it had belonged to the Company, and on the 1st of February it had become the property of the

Government, this sudden dislocation—this sudden jerk would have caused a great disturbance, which would have proved prejudicial to the interests of India. He did not wish now to express an opinion upon the truth or the justice of this plea. All that he would say was that it was not to his mind conclusively made out to the Committee. But the result was that the Government anticipated the surrender, and entered into an arrangement. They said—"On the whole, we wish to purchase the line; but we think it is very desirable that it should continue to be managed by the present Company, because, although in the early days of the Company there was great waste and mismanagement, yet, from the time when the Railway began to pay, and the Company itself became interested in its economical administration, the management has been much improved, and that this is now one of the cheapest worked lines in the world." In order to secure the management of the Company, and a continuance of a feeling of self-interest on the part of the Company, they arranged that four-fifths of the purchase money should be paid in the form of an annuity, and that the remaining one-fifth should be offered to the shareholders, partly in the shape of an annuity, and partly by giving them a claim to one-fifth of the property, the object of this being to secure that the Company should have a direct interest in the prosperity and success of the line they were going to manage. Now, after this description, he thought it would be obvious to the House that four questions immediately suggested themselves for their consideration. The first question was this—were the Government wise in purchasing the railway? Secondly, if the railway was purchased, were the Government wise in continuing the existing Company to manage it? Thirdly, if the existing Company managed it, was it prudent to allocate to them a certain share of the profits? and, fourthly, in arranging the bargain, was adequate care displayed by the Government in protecting the financial interests of India? He thought an answer to these four questions would practically exhaust the case. Now, with regard to the first three of these questions, it would be necessary for him to make very few remarks indeed, because, so far as he was concerned, he was prepared to agree with the view of the

Mr. Fawcett

Government. He thought, in the first place, it was wise on the part of the Government, considering the improved position of this railway, to purchase it. Certainly, if it was purchased—although he did not wish to express so positive an opinion as to the wisdom of continuing the Company as its managers—yet in view of the possibility that the Government might acquire all the other guaranteed railways, it was wise to make an experiment, and especially as the arrangement was not a permanent arrangement, but might be terminated, if the Government wished it, at the end of 20 years. With regard to the third question—namely, if the Company were continued as managers, was it prudent to allocate to them a certain share of the profits—believing that there was no motive so efficient in securing good management as the feeling of self-interest, he quite agreed with the Government, that it was of the first importance, if a company were to manage the line, to make the shareholders aware of the fact that they had some direct interest in its prosperity. He knew no better way in which this could be done than by allocating to them a certain share of the profits. But now he came to the fourth question which he ventured to put to the House, and it was the one to which he should entirely confine his remarks—namely, whether, in arranging the bargain, any adequate steps were taken by the authorities in the India Office, or by the Secretary of State and his Council, to protect the financial interests of India? No one who had read the evidence given before the Committee, and the Report of that Committee, which was so ably drawn up by the noble Lord the Member for Middlesex (Lord George Hamilton), who had only recently left the India Office—no one who had read that Report could come to any other conclusion—and it was a very important conclusion—that there had seldom been a case in which the Secretary of State in Council had shown such laxity and carelessness in protecting the financial interests of India. This statement, he thought could be substantiated without much difficulty. He knew what the plea was that had been urged on behalf of the Secretary of State and his Council. It was the plea which had been put forward to-day by his right hon. Friend the Member for

the City of London (Mr. J. G. Hubbard). It was this—"Oh, you were making an arrangement with the Company. You wanted to have amicable relations with them, and, therefore, it was necessary to deal liberally with them." Yes, but even admitting that it was necessary to deal liberally with them—and he thought they ought to be careful in dealing liberally with other people's money—even admitting that it was necessary to deal liberally with them, he thought he should be able to show that the particular way that was selected to display this liberality was the most unfortunate one that could possibly be chosen. Now what would be the business-like and the common-sense view of the proceeding? They should have said to the Company this—"We wish to retain your services, and we wish you to feel a direct interest in the future prosperity of this Railway. What is the proper remuneration of your services? What would be a proper share of the profits to allocate to you?" When that had been determined, the proper share of the profits ought to have been allocated—one-fifth, or one-fourth, or whatever the amount might be. When that was determined, then, of course, the business-like way to proceed was that the purchase should be arranged strictly according to the contract. These contracts were, in their original incidence, sufficiently unfavourable to India; but he did not wish them to be departed from one hair's breadth. But let the rest of the bargain be carried out upon strict adherence to the terms of the contract; and if any difficulty had arisen upon the interpretation of the contract let it be decided by arbitration. But it was said that the Company would not have received those terms. He could only say that if they were to search the Blue Book from beginning to end they would not find a single tittle of evidence to show that the Company would not have received terms such as these. At any rate, if there was a probability that they refused them, the Indian Government, as guardians of the financial interests of India, ought to have made the attempt. But there was another, and, perhaps, a more cogent reason why it was important that the terms of the contract should have been strictly interpreted, and that the arrangements should have been carried out as far as possible strictly in accordance with the contract. As he had

said before, that was only the first of a series of bargains and arrangements which might involve an outlay of £100,000,000, and if, in an easy-going fashion, they departed from the strict interpretation of those contracts, throwing a few pounds away here, and a few shillings there, and passing over sums of £200,000 without heed, what would be the result? Why, it would be to give an unlimited opportunity for pressure to be brought to bear on the India Office by influential persons in regard to future purchases. It was a most important thing for the House to consider that when those contracts had been departed from, and whenever the interpretation had been doubtful, that particular interpretation of the contract had been accepted, which was the most unfavourable to India and the most advantageous to the Company. Of course, by far the most important point to be determined was the payment which was to be made in the form of an annuity running for 73 years; by far the most important point to be determined was what was to be the rate of interest at which the annuity was to be calculated. So important was that that he had made a calculation, and he had ascertained that every shilling in the rate of interest made no less a difference than £400,000 in the amount which would have to be paid for the East Indian Railway. Consequently, considering the financial position of India at the present moment, and all that had been said about the importance of strict economy, why, of course, that was a subject on which there ought to have been the most scrupulous care, instead of which there had been the most extraordinary laxity. Now, what was the interpretation of the interest clause that was accepted, and how was the figure of £4 6s. 0d. arrived at? He scarcely thought that the House would believe that what he was going to explain had ever taken place. The words of the contract were said to be obscure. He would quote them, and then the House could judge of their obscurity or not. It was said in the contract that the rate of interest to be allowed in calculating the annuity

"Shall be the average rate of interest during the preceding two years received in London upon public obligations of the East India Company;"

and the rate of interest

Mr. Fawcett

"Shall be ascertained by reference to the Governor and Deputy Governor of the Bank of England for the time being."

In the first place, the Governor and Deputy Governor of the Bank of England were never applied to, and he wished the House to consider what were the express words of the instruction—

"Which shall be ascertained," not which may be ascertained, "by reference to the Governor and Deputy Governor of the Bank of England."

Well, that was the first instance in which there was carelessness. Now, what would be the common-sense interpretation to be put on the words

"The rate of interest received on the public obligations of the Indian Government in London during the previous two years."

Why, as his right hon. Friend the Member for the City of London, who had great commercial and financial experience, had admitted, the interpretation to be placed on those words was this—the rate of interest at which the Secretary of State in Council could have borrowed, in that period, money in the London market. That would have given a rate of interest of £3 18s. 3d. What, however, was the rate which the Government had accepted? Why £4 6s., and that extra 7s. 9d. made close upon £3,000,000 difference in the amount that was about to be paid for the railway in question. And now, how did the Indian Office arrive at the sum of £4 6s.? They took every Indian Stock at par, added them up, and then divided them by the rate of interest. If the calculation had been made two years ago, before the 10 per cent Stock had been paid off, a rate of interest would have been made of something like 8 per cent. To show the absurdity of the Government's interpretation of the contract, he would suppose that the French Government had French Rentes bearing interest at the rate of 3 per cent and 5 per cent, and that the Spanish Government had also Rentes in England bearing the same rate of interest. According to the interpretation of the Indian Office, the interest received on obligations of the French Government in London, would be precisely the same as the interest received on the obligations of the Spanish Government, because they would take each of the securities at par, and would not consider the market value of the Stock. What the Indian

Office did was this. They arrived at what was the rate of interest on which the Indian Government had raised all their existing loans; and it was only by the most strained interpretation that anyone could come to the conclusion that that was the same thing as a rate of interest received on obligations of the Indian Government during the two years preceding the purchase. Even admitting there was some doubt as to the interpretation of the clause, why did the Indian Government, if there was any doubt, before they accepted the interpretation, which, of all others, was most unfavourable to the Indian taxpayer—why did they neglect to do that which they were strictly enjoined to do—namely, consult the Governor and Deputy Governor of the Bank of England? Why did they not take some legal advice? The Committee to which the Bill was referred felt that so strongly that, although on the Committee there were, of course, supporters of the Government who would not, willingly, censure the Secretary of State in Council, as he would not himself, in their Report there would be found this censure on the proceedings of the Secretary of State in Council, and it was a very severe censure—

“This Committee, after considering all that has been alleged in favour of the interpretation of the interest clause, by the Indian Government, cannot help expressing their regret that some independent legal authority was not consulted as to the meaning of this clause, before an interpretation was accepted, which largely increases the cost of acquiring this railway.”

But it was not only with regard to the interest clause that the contract was a bad one. His right hon. Friend (Mr. J. G. Hubbard) said that they anticipated the purchase of the Jubbulpore branch by four years. Now, the Government admitted that, according to their own interpretation of the interest clause, in consequence of certain financial transactions, the rate of interest would be so much lowered that if they had only waited for four years the Jubbulpore branch would have been acquired at a cost of something like £250,000 less than that which had been paid for it. Then, again, there was great obscurity about the sinking fund. He thought it might be fairly contended, although, on this point, he did not wish to express a positive opinion—he thought it might be

fairly contended that, in providing a sinking fund, they ought not to have to provide for the enhanced value of stock. There was one point which the right hon. Gentleman opposite had admitted, and about which there was no doubt whatever. And, in this respect also, the Indian Government had departed from strict injunctions. Nothing could be more precise than that the price at which the shares were to be estimated was their average price in the London market, during the preceding three years. It was said by the Representative of the India Office that the price was £125. He (Mr. Fawcett) would have accepted it as a correct price, had his suspicions not been roused by the roundness of the sum. He was prompted to ask if that was the exact calculation. “Oh, no!” it was replied, as if it was a matter of very little importance; “the exact figure was £124 3s. 3d., but we thought we might as well pay them £125.” Now the difference between that £124 3s. 3d. and £125 increased the price of the railway undertaking by no less than £200,000; and he ventured to assert, as he had always done, that, to play ducks and drakes with £200,000 of the money of the people of India, was a much more serious thing than to waste £2,000,000 of English money. But it might be said—“If you hold these strong opinions about the manner in which this transaction has been carried out, is not the Resolution which you are about to move very inadequate to meet the occasion?” [“Hear, hear!”] He was not surprised at that response, and he could assure his hon. Friends who felt that his Resolution was inadequate that he had never been more perplexed in his life—and he believed that that was the feeling of every Member of the Committee—as to what was the right course to take with regard to the present Bill. There were obviously three courses open to them. They might try to reject the Bill point blank; secondly, they might try to censure the Secretary of State and his Council for the manner in which they had carried out the bargain; and, thirdly, they might try—and that was what he was endeavouring to do—to prevent, as far as possible, that unfortunate transaction being used as a precedent to regulate future purchases. Now, with regard to the first of these proposals to reject

the Bill, there were many difficulties in the way. The Government said that if the House rejected the Bill, they would have to encounter endless difficulties; all kinds of obstacles would be thrown in their way; and, of course, when people had to carry out an arrangement, it was proper that they should not be fettered. It would be the Indian Government who would have to carry out the arrangements, and if they anticipated difficulties beforehand, those difficulties would be sure to present themselves. There was another difficulty in the way of rejecting the Bill, and that raised the consideration which showed the importance of the debate. This was a very serious matter, and he felt, considering the whole circumstances of the case, that the Bill could not be rejected without laying the Indian Government, to a certain extent, open to a breach of faith, and the reason why was simply this. Legally and technically there would be no breach of faith; but when the arrangement was entered into, no great care seemed to have been taken, either by the Government or by the Company to tell the outside shareholders and the general public that that was a mere provisional arrangement, and that it might be upset by Parliament. It was assumed in every money market that the arrangement was complete, and that the Bill would be a mere matter of form. So much so was that the impression that he knew that the promoters of the Bill told some of the officials connected with the House that the Bill was an entirely formal matter—that the whole thing was so complete that the investigation could not take more than an hour. He knew that that was the opinion of the right hon. Gentleman the Member for the City of London the first day he sat on the Committee; but his opinion on that subject was very quickly changed; for he soon saw that there were questions involved in the Bill of the greatest possible importance. Now, if they did not reject the Bill on the present occasion—and, of course, it was for the House to consider whether or not they ought to resort to such an extreme step—they could do so upon the next stage or third reading of the Bill if they were so minded; but, at any rate, when the next Indian guaranteed railway was purchased, the public would know that any arrangement that was entered into between the Government and the Company was

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simply provisional, and depended upon its ratification by Parliament, and that Parliament reserved to itself the right to upset the arrangement if it felt so disposed. The second course which could be adopted would be to ask the House to pass a censure upon the Secretary of State and his Council. They all knew what would be the result of that. The debate would assume a Party character, and no practical good would be done. They would be divided in opinion, and he thought that the Secretary of State and his Council had been sufficiently censured already in the Report of the Committee over which a Member of the Government presided. But now, what was the third course that he ventured to suggest? He said, at the outset of his remarks, that the importance of the Bill was not simply confined to the Bill itself; but that its importance arose from the fact that that was the first of a series of transactions which might involve, and would involve, an outlay of something like £100,000,000. What, therefore, the House of Commons could do, and what seemed to him to be the most practical and business-like thing to do, was to place on record, in the most authoritative way possible, that they would wipe out of recollection all traces of the present measure, and that in no single respect should any clause or any provision of the Bill be used as a precedent to define the terms on which railway undertakings of a similar character might in future be acquired by the Indian Government. Perhaps it would be said—"If you press your Resolution to a Division"—and such was his intention—"and it is carried, that being an Amendment to the Motion that the Bill be now considered, it will virtually defeat the Bill." He had taken great pains to ascertain what would be the effect of carrying the Resolution he was about to propose, and he found that it would not have the effect of defeating the Bill. It was simply an Amendment to the Motion "that the Bill be now considered;" and if it were carried, there would be nothing, according to the Rules of the procedure of the House, to prevent the Bill being again considered on the succeeding day; it would simply postpone the consideration of the Bill for a single day. It might also be said—"What your Resolution does has already been done by the Committee, and why introduce it?"

He would at once tell the Government and the House why he did not think the recommendation of the Committee was, in itself, sufficient. The Committee, no doubt, had, in the most positive way, recommended that the Bill should not be regarded as a precedent to regulate future transactions; but if the House took no notice of that recommendation, what might the Secretary of State say when he had next to negotiate an arrangement with some Company owning a line he desired to purchase? He might say, it was true, that it was the recommendation of the Committee, but the House of Commons took no notice of it, they did not endorse it; and, therefore, it was impossible for him to say that it was the opinion of Parliament. If, however, the recommendation of the Committee were supported and backed up by a Resolution of the House, it would be an injunction which the Secretary of State could not disregard, and, in his next transactions with a guaranteed Company, with the Company who came forward and said to him—"Oh, you must do this and that; it was done with regard to the East Indian Railway Company;" then he would be safeguarded by the Resolution of the House, and he would say—"I have been instructed by Parliament to declare that what was done with regard to the purchase of the East Indian Railway should, in future, be not looked upon in the least degree as a precedent." He thanked the House for the patience with which they had listened to the long statement he had felt bound to make. The subject was a complicated one, and he had endeavoured to explain it with as much clearness as possible, his only object being to discuss it in a practical and business-like spirit, and in that spirit he commended his Resolution to the House.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, adopting the recommendation contained in the Special Report of the Committee to which this Bill was referred, is of opinion that its provisions should not be regarded as a precedent for defining the terms on which the Indian Government may hereafter exercise its right of acquiring possession of the other guaranteed Railways in India,"—(*Mr. Fawcett*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FRESHFIELD said, he understood the hon. Member for Hackney (*Mr. Fawcett*) not to wish to oppose the passing of the Bill, nor to move a Vote of Censure upon the Secretary of State for India; but what he did desire was to give the Secretary of State for India, through the authority of that House, a piece of advice in reference to the conduct of future unknown transactions. He (*Mr. Freshfield*) did not see that there could be any great objection to the Resolution; but he confessed that he did not see anything to render it necessary. The hon. Member found fault with the contracts as originally framed, and also with the arrangement made by the Government, which was involved in the Bill. Now, with regard to the criticisms of the hon. Member for Hackney upon the original contracts. He (*Mr. Freshfield*) did not think anyone could form a clear conception of the merits or demerits of the contracts, without knowing something of their history and the circumstances under which they were made. He was acquainted with all those circumstances, and he would give that information to the House in a few words. He was one of the survivors of the parties who conducted the negotiations with the Court of Directors of the East India Company in 1843, now 35 years ago. The first individual who introduced the subject of the construction of Indian railways was Sir Macdonald Stephenson, who went out in 1843 to make inquiries and obtain information on the subject of the adaptability of the railway system into India. He returned in 1844, having satisfied himself that the proposition was feasible, and that railways would be of incalculable benefit to India. On his return, Sir Macdonald Stephenson put himself into communication with men of high commercial and financial standing, and, without any such qualifications on his own part, he (*Mr. Freshfield*) was asked to join in the negotiations. They went to the East India Company, who then constituted the Government of India. They had many interviews, and found great divergence of opinion in the Court of Directors. There was, however, unanimity on one point, and that was that if railways were to be constructed at all, they must be selected and controlled by the Government. Every element of speculation was thus eliminated from the contract, and the first basis of

the negotiations laid down was, that the Government of India should guarantee a minimum return to the shareholders for the money raised. Negotiations proceeded slowly, a Company was formed with a capital of £4,000,000, and Sir Macdonald Stephenson was sent out with a staff of engineers. He returned in 1847. In the meantime, there had been a great commercial crisis in London, and afterwards political convulsions throughout all Europe. These events formed great drawbacks to the negotiations, and made it necessary to increase the demand for the guarantee from 4 to 5 per cent. But a further difficulty awaited them. The Court of Directors, in a letter addressed to an official of the Stock Exchange, stated that they had never professed to guarantee a fixed dividend. This last blow seemed as if it would be fatal to the cause. In this state of things, it occurred to a gentleman, acquainted with all the facts, to address a letter to the then Prime Minister, Earl Russell, containing a narrative of the negotiations. The pamphlet got into the hands of Mr. Wilson, the then Secretary of the Board of Contract, who took up the subject and mastered it; and the result was that he proposed to them that they should raise £1,000,000 towards an experimental line and pay it into the Treasury; that the Government should pay them 5 per cent per annum; and that the Company should construct the line and work it for 99 years, it being in every respect under the control of the Government. It was pointed out that a guarantee on the part of the Government would be necessary, and he proposed two additional terms. One was, that if the line so constructed and worked did not pay its working expenses the Company should have the power, at any time in the course of their lease, of surrendering it to the Government, and receiving back the money expended upon the line, as audited from time to time. The other condition was that the Government, on the other hand, should have the power of giving notice to the Company at any time after the first term of 25 years had run out, or after 50 years, that it was their intention to acquire the property in the line, and to take it into their hands; in which case, they were to pay for it the value of the shares in the London market for the three years preceding the notice. Those

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were the two terms upon which the arrangement turned. It did not constitute an actual guarantee, but something very near it. On the other hand, there was the provision that in 25 years—long before it was expected the line would be fully developed—the Government should have the power of acquiring it, in exchange either for money or for an annuity. Now, the intention of the arrangement, no doubt, was that the Government should pay the value of the shares as ascertained by their price during the three preceding years, the principle being that the amount should come to, as near as possible, the actual value of the line. It would be asked, if that were so, why it was not so stated in terms. The answer was, if they had put such a clause as that in the contract it would have been too indefinite, and would have led to litigation. But he had no doubt at all that the intention was that the Company should receive the fair value of their line. The Company raised the first £1,000,000. The contract worked admirably, and they were soon called upon to execute the line to Delhi, and four years afterwards to make the branch to Jubbulpore, which finished the undertaking. Of course, in the first instance, it did not yield any profit, and it was not until 1867 that the line began to pay more than its 5 per cent guarantee. When that event took place, by the terms of the contract, one half the profits over 5 per cent went to the Company and one half to the Government. The line went on progressively increasing in receipts until 1877, when they had attained 9 per cent. In that year it became necessary for the Government—the Secretary of State then constituting the Government—to determine what course they should pursue. They came to three conclusions. The first was, that they should acquire the property; and they could hardly come to any other conclusion than that. The line was then paying 9 per cent, and it was a grand acquisition for any Government to make. The next conclusion was equally inevitable—that they would acquire it through an annuity. Then they came to a third conclusion, and he thought they were right in it. They could not themselves manage the line half as well as the Company managed it, for a commercial working was always superior to an official, and they decided to commit the continuance

of the working of the line to the Company, if they possibly could. But then the difficulty intervened that the line must be taken as a whole; while the lease of the Jubbulpore line had four years longer to run than that of the main line. There was another difficulty in the fact that the time for giving notice to acquire the main line would not arise until the 17th February, 1879, and this was only the middle of 1878. In that state of things the course pursued by the Secretary of State was to open negotiations with the Company. He knew Mr. Crawford, the Chairman, a gentleman well known in this House as Member for the City of London, and who had been Chairman of the Company for 25 years. Accordingly, the Chairman of the Company, Mr. Crawford, was sent for, and put in communication with Sir Louis Mallet, the permanent official Secretary of the Government, and they discussed the matter. Mr. Crawford could make no objection to the power to take over the main line; that was matter of contract, and was not a question of election at all. There was no doubt on that point, nor that the Government were entitled to pay for the line by the way of an annuity. But the continued working of the line by the Company was an entirely new proposition. Mr. Crawford had no objection to the principle, and he said so. Then came the question, what was to be paid—how could they ascertain it? The powers of the contract could not be acted on, because the contract could have no force as to the Jubbulpore line until April, 1883. That being so, what they decided upon was—and in this he thought they were right—to go as near the contract as they could; and a calculation was made for the preceding two years and a-half of the value of the shares in the market. Mr. Crawford, in preparation for this arrangement, had had a daily account taken of the price of the shares from the 17th February, 1876. It began very low—at 115, he (Mr. Freshfield) thought—and it rose up to 133; and it was about 133 in June or September. He did not remember the dates precisely; but the price ranged up to 133, and it gave for a period of 2½ years very nearly £125 as the mean value. Mr. Crawford said in his evidence before the Committee that if the time had been allowed to run on, and if there had been nothing to interfere with the

mean price of the shares, it would have risen, undoubtedly, to more than 125. He said—

“As regards that price of 125, it is not at all an inquiry at the present moment whether that is right or wrong; but, as a matter of fact, on that day on which the average began to be collected—which was the 15th February, 1876—I ordered the account to be taken and kept up daily, and it was so taken and kept up for a space of three years, showing the actual price. When we came to negotiation with the Government, the actual average of the daily quotations in the market was close on 125. Had it not been for the negotiations that took place, which had the effect of disturbing the market, I have no doubt the average would have been above 125. I, acting for the Company, was quite content to take 125, as representing what appeared to me to be a fair average return of the market for three years.”

That was the account which Mr. Crawford gave the Committee of the circumstances, and he did not think anyone had offered to question it. Sir Louis Mallet and Mr. Crawford were negotiating on reasonable, fair, and commercial principles. Sir Louis Mallet thought 125 was a fair price to offer, and Mr. Crawford thought it was a fair price to accept. Now, if the view were correct, that the intention of the contract was that the shareholders should get the fair value of the property, he (Mr. Freshfield) thought no one could find fault with the arrangement, seeing its effect was that the Government had obtained a line now paying about 9 per cent. [“No, no!”] The hon. Member for Hackney seemed to object to that statement. The fact was, that the line produced more than 9 per cent in 1877, and only 7·15 per cent in 1878; but the receipts this year were likely to be greater than in 1878, and this was not the culminating point of the railway. Quite the contrary; it had been in work less than 20 years, and the branch only 16 years, and there was not the least doubt it would go on developing. Therefore, the Government obtained a valuable property on easy terms. As to the rate of interest regulating the annuity, by the terms of the contract, it was to be calculated on the rate of interest received on the public obligations of the Indian Government during the two years preceding the notice to take over the line, to be ascertained by reference to the Governor and Deputy Governor of the Bank of England; but, of course, that calculation could not be made six

months beforehand, the fact being that all the arrangements were made in anticipation of the time when the powers of the Government to take over the line would come into operation. The period had not arrived when they could refer to the Governor of the Bank; and, therefore, the Secretary of State and Sir Louis Mallet, knowing perfectly well what they were about, made their arrangements with the Company, and, he conceived, made them much in favour of the Government. Then, the Proviso that the working of the line should be committed to the Company was one which the Secretary of State had very much at heart, and rightly so. The Secretary of State thought the Company would manage it more economically than the Government, and it was proposed with that view. As to the one-fifth of the capital of the Company, the Secretary of State wished that the shareholders should be still interested in the line; but, in that case, they must submit for 20 years to a diminution of their guarantee to 4 per cent, and they were to take the chances of the line for giving them anything beyond that amount, as an equivalent for their annuity of £5 12s. 6d. Besides that, the line was made subject to sundry charges and payments. Well, he had considered the proposition as affecting the shareholders, and he did not see that it was one of very certain advantage; and he was not sure whether the shareholders would exercise their opportunity to the extent of one-fifth of the capital. But he was quite sure of this—that the arrangement, upon the whole, was one which was beneficial to the Government. He had not entered, at length, into the arrangement, under which £4 6s. 0d. was taken, instead of £4, as suggested. The terms of the contract were not absolutely clear on that point; but as to the price of 125, he was quite sure that was a very fair and reasonable arrangement. His hon. Friend (Mr. Fawcett) complained of the original contract. He did not think any arrangement could have been made at the time more advantageous on the whole; and if they were trying to make a better contract at present, he did not know how they could do so. They had to raise £30,000,000 for this Company, and he thought £100,000,000 was required for all the railways; and he did not see how it would have been possible to get

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the money without a guarantee. Now, the contract had merged into a taking over of the line, and it seemed to him no Government or individual had ever made a fairer arrangement. The telegraphs had been referred to. Perhaps, the less that was said about the telegraphs the better; but here great judgment had been displayed. The line had been acquired at a cost not more than half its value; and when it was said the terms were voluntary, he would reply, so much the better, because they showed the disposition on both sides to make a fair arrangement. The hon. Gentleman (Mr. Fawcett) proposed to pass something like a censure upon the Government. That reminded him (Mr. Freshfield) of the story of the Welsh jury who found the prisoner not guilty, but told him not to do it again. He (Mr. Freshfield) would rather find the Minister guilty on this occasion, and beg that he would do it again as often as he could. It was a grand thing to find a Minister who possessed the courage of his own convictions. The Secretary of State came to the conclusion that the arrangement would be good for the Government. He (Mr. Freshfield) thought that conclusion was right, and he must say he thought India was to be congratulated on the arrangement which had been made.

Mr. RATHBONE was sorry to say he was not in the same position as the right hon. Member for the City of London who opened the debate (Mr. J. G. Hubbard), because he had a considerable interest in the line, which would prevent him, as a matter of form, from marking, by his vote, the strong opinion which he held that the shareholders would receive under the contract far more advantageous treatment on the part of the Government than they were in strict law entitled to receive. He thought that in all arrangements that were made on behalf of so poor a people as the people of India with the rich capitalists of this country the bargain should be strictly enforced. He wished to say nothing against the Chairman or management of this Company. The Chairman had shown in these and other matters great ability, and had done no more than he was bound to do as acting for the Company. Nor could he agree with the hon. Member for Hackney (Mr. Fawcett), in the strong terms with which the hon.

Member had characterized the transaction; there had been many transactions which were far more lax and disadvantageous to the public. He quite admitted there were difficulties connected with this transaction; but what he contended was that those who had conducted it on the part of the Government had not shown their accustomed ability. He had nothing to say against the new contract with the Company. In such a partnership, where so much depended on the exertions of the Company, any man of business would make a favourable arrangement with those on whose exertions the mutual profit of the undertaking depended. But there was no reason whatever for going so far as the Government had gone with regard to the original contract, although, of course, Mr. Crawford could not be expected to refuse it. On behalf of the Government, it was said that the intention of the old contract had been substantially fulfilled. He maintained that it was not so, and he would take up the important point of the average rate of interest as an instance. The clear intention was that the Government should pay cash, or the equivalent of cash in securities. That did not mean taking 5 per cent annuities which were at a high premium as a basis. It was intended that the Company should receive Indian securities to pay the average rate received by those who had held them for three years previous. Surely, before the Government made an arrangement which gave everything to the shareholders, and put everything against the inhabitants of India, they should have taken every means to make sure they were right, either by taking the opinion of the Governor of the Bank of England, or the highest legal advice. He also objected to any allowance being made for the alleged depreciation in the value of the shares, consequent upon the knowledge that the Government were about to exercise their powers. Of course, it was a disappointment to the shareholders, who thought they were going to receive 9 per cent or more, that all their prospective profits were to be given up; but it was the right of the people of India to receive the full advantage, not only of the actual contract, but of the effect which the knowledge that that contract was going to be enforced, had upon the stock, whatever it was. They had a right to take advantage of any

circumstances which were favourable to them, just as the shareholders would have a right to take advantage of circumstances in their favour. He only wished to dwell on these two points, and, as a man of business, looking at the contract and all the circumstances, he did not think the Government of India had secured for the people of India those advantages that people had a right to expect. The shareholders had the best of the bargain, and there was no reason why they should have received more than, under the strict letter of the contract, they were entitled to.

SIR HENRY PEEK, as one who had very carefully followed the evidence given before the Select Committee, of which he had been a Member, agreed that it was a wise policy to make the purchase, and in continuing the present management; but he altogether disagreed from the assertion that the interests of India had not had due consideration. He went into the Committee Room as a man of business in the habit of well considering both sides of a question, and quite agreed with the Report presented to the House. Indeed, if he wanted to alter that Report at all, he would almost be inclined to adopt the final words of the Resolution which the hon. Member for Hackney (Mr. Fawcett) brought forward as an Amendment. The Company ought to be dealt with in a liberal way, and this price allowed—£125—he regarded as a just rather than a liberal arrangement. The bargain was to be made under a contract of 25 years ago, and under a totally different state of the money market. That contract of 25 years ago, for which nobody alive was now responsible, was as awkwardly worded as could be. According to that contract, the then Government, if they were not in a position to pay the £30,500,000 in hard sovereigns, made a bargain equally fair to the Indian and the British public, and the time had now come to carry it out in the same spirit. He was glad to hear the hon. Member for Hackney say he had no wish to upset the Bill. He said he only wished to postpone it; but what would be the effect of postponing the Bill on the 1st of July? Every day, every hour, remaining of the Session was of the utmost importance, and to postpone the Bill now would bring about that which the hon. Member said he had no wish to see. An excep-

tion had been taken—why did not the Government wait in the exercise of their power? but if they had waited, they would have been unable to exercise their power for another 25 years. But for sanitary, as well as strategical reasons, they wanted to acquire the railway; and, therefore, it was a fair matter of bargain between the Government and the Company. He could only repeat that, as a man of business, and having gone into the Committee with a mind perfectly blank on this question, he now gave to the House his firm opinion, based upon the evidence given, that a very fair and straightforward bargain had been made.

SIR GEORGE CAMPBELL observed, that the hon. Member for Dover (Mr. Freshfield), who was a man of great experience, capable of giving the Government good advice, in discussing this subject at length, had left one point without scarcely touching it at all, and that was the calculation of the rate of interest at £4 6s. per cent. In his prudence, he passed lightly over that point; but it really was the gist of the whole matter. He (Sir George Campbell) would come to that presently, and, in the meantime, with regard to the Motion of the hon. Member for Hackney (Mr. Fawcett), he would say he had listened to his speech with the greatest admiration and agreement, only disagreeing with the conclusion, for it seemed to him that the hon. Member, having led up to an inevitable conclusion, started and recoiled, seeing a "lion in the path," from the conclusion to which his speech must lead. The preliminary objections to the rejection of the Bill were really not so serious as seemed to be supposed. The reason which the right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard) seemed to think a conclusive one why the bargain should now be made on terms favourable to the East India Company was, that although the Government could take over the main line of the Company, they could not take over the branch line for another four years. But that was not a conclusive objection. It was quite competent for the Government to take over the main line and say to the Company—"If you like to keep the Jubbulpore branch for another four years, you can do so," and no great evil would result from that. More than that, it was not at all likely that the

East India Company would accept that. All the loss they had was on the Jubbulpore branch, and not on the main line; and so they would simply be accepting the unpaying line for four years longer, and at the end of that term they would get a worse price than they could get now, because the 5 per cent loan, on which they based their favourable view of the contract, would be expired. Then, it had also been said, as a reason for doing this, that if a voluntary arrangement was not come to with the Company, the latter might throw the railway into the hands of the Government, and the Government would find great difficulty in taking it over in 1880. But to this it might be said that all the servants of the Company would be glad to take service with Government; and all Government would have to do would be to send an order to the Government of India, and there would be no difficulty in doing that. The hon. Member for Hackney said he was not prepared to propose the rejection of the Bill; but he wished to place on record a Resolution that, so far as the pecuniary arrangements were concerned, this Bill should not be regarded as a precedent. To that he (Sir George Campbell) would say, with the greatest confidence, there was no other case in which this Bill could be followed as a precedent; so that it was shutting the door after the steed was stolen. The 5 per cent loan, which was a loss to the people of India of several millions sterling, expired in 1880. It could not affect any other railway; and, therefore, so far, the Resolution would be of no avail whatever. He agreed that the other portions of the contract with the Company were, on the whole, not disadvantageous; it was only this arrangement regarding the rate of interest to be taken in the calculations that inflicted a loss on the people of India; but this resulted from the circumstances of the loan, which expired in 1880, and would not affect subsequent sales of railways to the Government. It might not, improbably, happen that, from the bad state of the finances, their borrowing powers in the money market became less favourable; it might be that this particular condition of the contract might be favourable to the people of India; on the next occasion the question must be considered as regarded this particular case; and they should not

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pass a Resolution meaning nothing at all. As regarded the several points raised in the discussion—the price at which the average of the shares was to be calculated, and other things—he was quite ready to say it was fair enough, to a certain extent, that the benefit of the doubt in these small matters should be given to the Company; therefore, he would not quarrel with the decision that gave £125 instead of £124 and a fraction; and also with regard to the sinking fund, and other matters, it was graceful, and not unfair, to give them the benefit of the doubt. But when he came to the rate of interest at which the annuities should be calculated, then there was a matter involving a sum of nearly £3,000,000 sterling. Before that was decided, let it be considered what an enormous sum that was in connection with the people of India, and how often much smaller sums had been the subject of serious debate. The finances of India were in an involved state; and they had heard how, by cutting, clipping, and pruning, Her Majesty's Government hoped to save £250,000 annually. But the gift to the East Indian Railway would absorb the whole of these savings for a long period of 12 years. The Government had undertaken to limit the public works by which the trade of India was developed; but this sum would amount to the sum thus saved in three or four years. So it was a matter of enormous importance; and the House should not pass the Bill, unless they felt satisfied they were not inflicting a grave injustice upon the people of India. He was somewhat in the position of the hon. Member for Liverpool (Mr. Rathbone); he was a shareholder in the East Indian Railway Company, and if he had not been in that position, he might have had a doubt what course to pursue. But, being in the position with which personal pecuniary interest was connected, and, on the other hand, holding a strong opinion that the interests of the people of India were being sacrificed to an unfortunate degree, he felt he could not justify himself and his own character, in forming the strong opinion he held, if he did not state that, whatever the result of the Motion of the hon. Member for Hackney, when the Question was put, "That the Bill do pass," he should feel bound to say "No." For, as he had already stated, there were no real

difficulties in rejecting or postponing the Bill. An objection had been made that the shareholders had been led to suppose that this transfer would not require the sanction of Parliament. That was not so. It would be a grave implication upon the Company if they had allowed this false impression to get abroad. The bankers who had to do with this matter stated distinctly in their circular that this arrangement was entirely contingent upon the sanction of Parliament. Now, suppose the Government accepted what, he thought, was the outcome, the necessary outcome, of the Report of the Select Committee? Suppose the House accepted that Report, being of opinion that there was considerable injustice in the matter to the people of India, and that it involved a gift to the East Indian Railway Company of £3,000,000, to which, under the strict terms of the contract, they were not entitled, then there would be no particular difficulty in throwing out the Bill, and falling back upon the contract. Now, with regard to the terms of the contract under which interest was to be paid on the money. He observed there was an important word in the Report of the Committee omitted by inadvertence; that was the word "received." It would be found, on referring to the contract as recited in the Bill, that the words ran—

"Such annuities to be determined by the average rate of interest received on the public obligations of the East India Company."

But the word "received" had been omitted; and without it the meaning might be construed very differently. It might be construed to mean that the price should be determined by the nominal, and not the actual rate of interest; but with the word "received" it was difficult to attach any other meaning to the clause than that the amount of interest should be that received by those who had invested money in these obligations. It was the natural common-sense view to take that as the intention of the clause. Let the House think on this question of interest as involving no less than £3,000,000 sterling, and say if it was not better not to pass the Bill as it stood. Possession might be secured under the contract; the Secretary of State was entitled to give notice of the intention to take over the railway compulsorily within six months of February,

1880. This was clearly set forth—that Government could, at the expiration of the first 25 years of the term of 99 years, give the notice and take possession under the terms of the original contract. Therefore, if the House thought fit to reject the Bill, the Secretary of State could then proceed to give notice to the East India Railway Company that he intended to take advantage of the terms of the contract. The Secretary of State would then have the opportunity of taking legal advice, which the Committee regretted he had not taken; he could repair that error; and if that legal advice induced him, he could make more favourable terms for the people of India. Seeing there would be no difficulty in this course, and that it would save £3,000,000, a sum of enormous importance in the present financial embarrassments of India, he, shareholder though he was, would vote against the Bill.

MR. E. STANHOPE said, this measure which had been proposed by the Secretary of State for India in Council, for the purchase of the East Indian Railway, had been characterized by the hon. Member for Hackney (Mr. Fawcett), as giving evidence of gross carelessness and laxity on the part of the Indian Government; but, on the other hand, the House should bear in mind by whom this particular Bill was recommended. First, his noble Friend the Secretary of State was responsible for the Bill; secondly, his noble Friend was assisted by a Committee of his Council, specially appointed to investigate the matter independently, and who made a recommendation to the Council as a whole; thirdly, this Council unanimously recommended the Bill; and, last of all, the exact terms of the arrangement having been communicated to the Indian Government, the Governor General in Council expressed unanimous approval of them. But, without entering into the details of the Bill, there seemed to him to be two great questions which the House would desire to have answered. These were, why, in the first place, was the strict letter of the contract departed from; and, secondly, was it true or not, that too much had been paid for the purchase and to secure the objects of the Bill? These questions he would answer at once. First, it was not possible, and it was inadvisable for the best interest of

India, to proceed under the contract; and, to the second question, he would say a fair sum had been paid for the purchase, a sum far less than the real value of the property. The first consideration was, was it desirable for the Secretary of State in Council to take the first opportunity of purchasing this railway? On that point the House, as well as the Government of India, appeared to be practically unanimous; everybody who had spoken accepted that as a proposition not to be disputed. On political, as well as financial grounds, that purchase could be defended; and when it was said the Government were making a speculative bargain, the answer was, there was a solid basis of experience to go upon, placing it beyond all doubt that they were acquiring a good and valuable property. In addition to that, he attached the greatest importance to the purchase of the Jubbulpore branch; the same reasons applied to this branch as to the main line, and it became an object of the Secretary of State to obtain possession of both together. It was also the opinion of the Secretary of State in Council and the Government of India that the lines purchased should continue to be worked by the East Indian Railway Company, and, but for the speech just delivered, he should have thought this was generally accepted by the House. He did not desire to enter at length into the question of State management as against private management; but there were many reasons why it was more desirable this railway should be worked by a private Company, rather than by the State. The hon. Member who had just spoken said, only throw out the Bill, and the effect would be that the servants of the Company would be transferred to the service of the State, and all would go on as before. That proposition he doubted from beginning to end. Of course, the servants might be transferred to the State; but, with this transfer, there must be an increase in salaries, in pensions, and in establishments, which could not be controlled in the same manner under the State. There was also a grave objection to the working of a large concern like this by the State in times of difficulty. Pressure difficult to resist would be used to induce the State to carry goods at reduced rates; but with the Company working this line, there was a con-

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venient buffer between the Secretary of State and the public. Then, the hon. Member for Hackney (Mr. Fawcett), and the hon. Member for Kirkcaldy (Sir George Campbell), said if it was desired to achieve these objects, was it not enough to give the Company a share of the profits and proceed on the lines of the contract? But he would point out that only one-fifth of the profits, the remaining four-fifths receiving no benefit whatever. And, therefore, as regards the bulk of the proprietary, there would be, in that case, no inducement to them to depart from the exact terms of the contract for the convenience of the Government. They would simply have said — "We get no more than we must eventually get by law if we refuse to anticipate the end of the contract," and they would have refused to co-operate. These being the objects which the Secretary of State in Council desired to secure, he would now consider whether those objects could have been secured under the terms of the existing contract. Let them not forget that that contract was made with the old East India Company. The hon. Gentleman the Member for Hackney was very fond of comparing the management of the old East India Company with the management of the affairs of India since the transference of the Government of India to the Crown. When that contract was made by the old East India Company, and when the hon. Gentleman talked of that contract as being extremely favourable to the Company, he should remember that that favourable state of things was one that had only arisen within the last few years. If they were to look back beyond the last few years, they would see that it had been very doubtful indeed whether the undertaking of the East Indian Railway Company was likely to turn out successfully. The East India Railway had only of recent years become a great success; and with regard to the other guaranteed railways they were only at the present moment in the course of becoming a success. A few years ago, however, there was a very different state of things; and he did not think it was quite fair to throw on the old East India Company the imputation that they had made, years ago, under all the circumstances then known, an im-

provident contract with the East Indian Railway Company. But, as far as the action of the Government was concerned, he could put the reason for the course they had taken in a very simple way; because he might state that under the circumstances in which the Government were placed the contract was, practically, unworkable. They were, in the middle of last year—or, let him say, in the month of August last—in this position. They were desirous of having possession of the two lines belonging to the East Indian Railway Company, and also of intrusting the working of them in future to the existing Railway Company; and they found that if that arrangement were to be carried out at all, it was necessary that it should be entered into at that time, because, not only would the Railway Company have to consider the provisions of the Bill that was necessary to carry out such an arrangement, but it was incumbent on them to introduce the measure during the present Session of Parliament for the purpose of giving effect to it. Therefore, it was absolutely necessary that the arrangement between the Secretary of State in Council and the Railway Company should at the latest have been made in the month of October last. That being so, it was utterly impossible that the Government could do, what more than one hon. Member had suggested—namely, refer the question of terms to the Governor or Deputy Governor of the Bank of England. The period for making such a reference had not arrived—the moment at which any reference was to be made to the Governor or Deputy Governor of the Bank of England was to be at the end of the term fixed by the contract; and, moreover, a different Governor and Deputy Governor were in office than would have been at the head of the Bank of England at the time the contract expired. The Government, on full consideration, arrived at the conclusion that to attempt to carry out the objects they had in view was utterly impossible, if they adhered to the exact terms of the contract; and they, therefore, determined to anticipate its expiration by an agreement, following, indeed, the lines of the contract, but making the purchase distinctly independent of it. That being so, the Government felt that they could not stand on what were their strict rights under the contract. Had they attempted to do so,

what would have happened would have been this. Mr. Crawford, the Chairman of the East Indian Railway Company would have said—"I have obtained the opinion of counsel as to what my rights are, and if I do not get every shilling to which the Company are entitled, and something more, what am I to gain by making any fresh agreement with the Government? I am prepared to wait until the contract has run out; and then, if the Government do not agree to the terms I ask, and which my legal advisers say are justified by the clause, I will fight them—I will carry the matter up to the House of Lords and get a proper and authoritative interpretation of the terms of the contract." But, during all this time, what was to become of the railway? If the Government were to achieve their object of putting the working of the railway under the existing Company, it was utterly impossible to do this without having first arrived at a reasonable and proper compromise with the Company in the month of October last at the latest, instead of waiting until the contract had naturally run out. Then, it was said—"But when you did make a compromise, it was favourable to the Company." "Why, of course it was, and naturally enough, because the Government were asking the Company to secure to them certain advantages which the Government regarded as of importance, and if they wished to acquire those advantages, it was clear that in one way or another they would be obliged to pay for them. They had followed the lines of the contract as far as they could under the circumstances, and they had agreed to pay what they believed to be a fair value for the property. In the first place, there arose the question of the price at which this purchase should be made, and the Government had offered to take the shares at the sum of £125. This sum had been, in reality, but very little objected to; and, as a matter of fact, he believed that the hon. Member for Dover (Mr. Freshfield) was perfectly correct in saying that the effect of these negotiations being carried on in anticipation of the term at which the contract would cease had been to depreciate the value of the property; and, therefore, making all reasonable and fair allowance for any such depreciation, to fix the sum at £125,

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instead of at £124 3s. 3d., was not giving anything unreasonable to the Railway Company in regard to the terms of the purchase. But the Secretary of State in Council had the alternative of paying that sum to the Company either in cash or by means of annuities, and those annuities were to be based upon a rate of interest to be calculated on certain terms set out in the contract. The first objection taken to their mode of dealing with the matter was that the Government ought to have referred to the Governor or Deputy Governor of the Bank of England. He had already pointed out to the House that such a reference was utterly impossible at the time it became necessary for the Government to enter into the arrangement, and, in the next place, the Government were advised—and they took upon this point the best opinion they could possibly obtain—that it was not necessary to refer the matter in any way at that time to the Governor or Deputy Governor of the Bank of England. The fact was, that they were not proposing to purchase under the contract at all; and even if they had proposed so to do, as far as he was able to understand the terms of the contract, the reference to the Governor or Deputy Governor of the Bank of England was only to be for the purpose of ascertaining certain definite facts, and not to enable them to put a legal interpretation upon the clause. With regard to the clause which fixed the rate of interest, it could not be denied that to anyone who examined it for the first time it was a clause which raised a good deal of doubt; and he was very much surprised to hear the hon. Member for Liverpool (Mr. Rathbone) say there was no doubt about the matter, because no one with whom he had spoken on the subject took that view.

Mr. RATHBONE: I said there could be no doubt as to the intention, not as to the words.

Mr. E. STANHOPE said, he must venture to join issue with the hon. Gentleman; but, at the same time, it was sufficient to say that anyone reading the clause for the first time would feel that it was somewhat doubtful in its wording. But it was said, this being so, why had not the Government obtained independent legal advice before they entered into any negotiations with the Company with a view of seeing what

was the course to be taken? Well, in reply to this interrogation, he would ask what was the nature of the Council of the Secretary of State? Why, they had among the members of that body gentlemen whose opinions on legal points were second to those of no person in the Kingdom, and on all the legal points on which the Secretary of State required to be advised those gentlemen were able to give him really good and sound advice. An hon. Member opposite had suggested that the rate at which the Secretary of State had actually raised money during the two years preceding the negotiations with the Company, or £3 18s. 5d. per cent, was the proper rate of interest to be taken; but here an interpretation had been put upon the clause which laid down the mode of ascertaining the rate of interest which it was impossible to support by argument, which no one else had seriously put forward, and which he did not think the House would be disposed to favour. That interpretation seemed to him to be obviously inconsistent with the plain meaning of the clause, and it was open to this further objection—that he might during the two years never have found it necessary to raise any money at all. Although the actual terms of the purchase were discussed backwards and forwards in the India Office during several years, such terms as had been hinted at had never been suggested, and, in the opinion of those who had closely considered the matter, they were absolutely inconsistent with the real interpretation of the clause. There were other interpretations of the clause suggested, which were more worthy of consideration; and they were, that the Government ought to have based the terms on the average rate of interest paid on loans of the Secretary of State during the two previous years, either taking the nominal value of the stock or taking the market value. But if it were intended that the market value of the stock should be taken the clause would have said so, and the fact that the words “market value” were used in the clause relating to the price and were omitted in this clause seemed to him an unanswerable conclusion that this was not intended. And, surely, the meaning of the reference to the Governor or Deputy Governor of the Bank of England was that it was intended that they should determine something

that came specially within their cognizance, and upon which the Governor or Deputy Governor of that Bank would be deemed specially qualified to pronounce. But the interpretation of the terms of the contract was a matter entirely outside the intended reference, and there was no more reason to refer that matter to the Governor or Deputy Governor of the Bank of England than there was to refer it to any other outside party. But the true intent and meaning of the clause was perfectly plain. The House would remember that the contract was drawn up by the old East India Company. Well, what was their practice? They raised money, from time to time, by Exchequer Bills and Bonds, and they declared what rate of interest they would pay, endeavouring to fix such a rate as would keep their bonds pretty nearly at par, so that if the price went up they reduced the rate of interest, and so on. And he would venture to say that this was in the minds of the framers of the clause when they laid down the principle upon which the rate of interest must be calculated. It was quite impossible to apply the same principles now; but the interpretation put upon the clause by the Government was, at any rate, that which approximated most nearly to what must have been the original intention of the framers. They believed—and they had the highest authority for the belief—that their mode of calculation was the right one, and the only one which they could fairly ask the country to accept. If there was one thing that was clear about the matter it was this—the Secretary of State in Council was able to pay for the property of the Company in two ways—first of all, he might pay for it in cash, and, in the next place, he might pay for it by means of annuities. The construction the Government put upon the clause was that it must have been intended to apply to the fair value of the property and not to two modes of value, one of which gave the fair value and the other a value very much lower. It would be an act of spoliation on the part of the Government to take the property without paying its fair value, and the Government had acted on this construction. They thought that the intention was that if they did not pay the Company in cash they should give them the fair value of the property in another shape; and, in fixing the rate of interest

as they had done, they had, as a matter of fact, given the Company what was fairly their due. It was said that they had given more than the fair value, and his answer to this was, that the price given had been fully justified by the quotations of the shares in the market. There were no shrewder judges of a bargain than some of the gentlemen in the London Stock Exchange; and what was the opinion they had formed? Why, that the Government had offered the Company no more than the fair value of their property. They found, as a matter of fact, that as soon as the intended purchase was announced, the value of the shares remained exactly the same as before; but if it were true, as affirmed by the hon. Gentleman the Member for Hackney (Mr. Fawcett), that the Government had made a sacrifice of £3,000,000 to the Company, how was it that hundreds of people in the City of London, who were shrewd enough to have found this out for themselves, had not gone in and bought the shares in the market for the purpose of getting their share of the plunder? The fact was, that those who operated in the London market had rightly appreciated the bargain; they had perceived that the Government intended to give only the full value, and had given it, and, therefore, the value of the shares had remained very much what it had been. Why, what was the value of this property as compared with the value of the shares of other Companies? The Eastern Bengal Company was paying a less, or no better, dividend and their shares were quoted at a considerably higher price than the shares of the East India Railway Company. He did not think he need say anything further on this subject. The Government believed they had made a purchase of the Company's property on fair terms. They were told by the Government of India that they had bought the property at a price which was, at least, 30 per cent below its real value. ["Oh!"] That was the conclusion at which the Government of India had arrived after fully investigating the circumstances of the case. It was a purchase that at any rate, in their judgment, would commend itself as much to the House as it did to themselves; and, acting on this conclusion, the Government were prepared to sustain to the utmost of their

power the terms on which the purchase had been arranged. The hon. Member for Hackney had put on the Paper an Amendment which, if carried, would not have the effect of defeating the Bill before the House. Looking at the terms in which that Amendment was couched, he (Mr. E. Stanhope) was not prepared to object to it. It seemed to him to be a reasonable proposition. The Government did not propose to purchase the railway under the terms of the contract, and he did not see why they should not tell the other Railway Companies that in future purchases each case would be considered on its own merits; and it did not follow that the Government would have the same object in purchasing other lines as they had in the present instance, nor would they necessarily pay the same price. Every case would, in fact, be dealt with separately as the time arrived; and, therefore, if the hon. Member for Hackney thought it desirable to put his Amendment to the vote he (Mr. E. Stanhope), for one, would certainly offer it no opposition.

Mr. CAMPBELL - BANNERMAN said, if any hon. Members were not present at the beginning of this debate they would be somewhat astonished to find the House still engaged in the discussion of a Private Bill; but they would speedily perceive that there was an excuse for this in the great importance of the measure. The hon. Member for Hackney (Mr. Fawcett) had already stated that not only did the Bill involve a question of the expenditure of upwards of £32,000,000, but that the circumstances of this case would almost certainly furnish a precedent for other cases of a similar kind. There was also this point to be considered—that while the Bill ought to be fully discussed by that House, it was introduced as a Private Bill and referred to a Hybrid Committee, who found that, owing to the forms which governed the proceedings of such Committees, they had the greatest difficulty in dealing with the matter. Such a Committee had no power to express an opinion on questions of general policy, and in many other respects the proceedings of the Committee were beset with difficulties from which, he thought it only right to say, he questioned whether they would ever have extricated themselves had it not been for the tact and spirit of im-

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partiality displayed by the noble Lord whom they were happy enough to have as their Chairman. As to the two questions of public policy involved, he agreed with his hon. Friend who had just spoken (Mr. E. Stanhope), that there would be very little difference of opinion whatsoever—that was to say, the question, in the first place, whether Her Majesty's Government were right in exercising their power of purchasing the East Indian Railway; and, in the second place, whether they were right in refraining from attempting to manage the railway themselves, and in intrusting that task to the private Company from whom the property was to be purchased? The reasons that had been given for continuing the management of the railway in the hands of the Company appeared to him to be perfectly conclusive; but, apart from them, there was the general consideration that the Government of India, more, perhaps, than any other Government, had its hands perfectly full; and when they found an enterprize like the present, distinct and separate from everything else, it was certainly desirable that the Government should be relieved from the task of undertaking its control and management. The third question that arose was, however, one full of difficulty, and that was the question whether the terms of the agreement with the Company were in themselves fair and reasonable. There were, he thought, altogether four points in that agreement upon which there was some difference of opinion, and he would mention them in succession, although he should not dwell on any of them, with the exception of one. In the first place, there was the price given to the shareholders, which was £125, instead of £124 3s. 3d. The defence which was urged for the adoption of this course before the Committee was that, owing to the near approach of the period when the railway could be purchased, the shares were unduly depressed in the market. But he would remark, in regard to this argument, that this was a circumstance which must have been present to the minds of those who framed the contract. It was no new or accidental circumstance that had arisen; whatever effect the power of compulsory purchase might have must have been understood at the time the contract was made. With reference

to the fact of the price of the shares having risen as high as £132, and then having fallen, he was not sure that that was, necessarily, in consequence of the step taken by the Government. The fluctuation in the earnings of the Company might have had as much to do with the variation of the price of the shares as anything else. But they were also told that they ought to deal with the Company in a generous spirit, and that the Government ought not to take a fractional advantage. He, for one, was not at all anxious to take advantage of the Railway Company, either fractionally or otherwise. But he could better have understood this argument being employed if a hard bargain had been driven with the Railway Company in all other matters; but the fact was that where the rigid application of the contract was found to bear somewhat hardly upon the Railway Company, the House was told that concessions must be made; while in other instances, where the rigid application of the contract would have the opposite effect and prove unfavourable only to the Indian Exchequer, they were apt to be told that the contract prescribed such a course, and, therefore, the arrangements must be made in exact accordance with its terms. The next point on which there was a difference of opinion was as to the sum which was to be involved in the sinking fund contained in the annuity, which was to include an annual sum for the re-payment of the capital and interest. This, it would appear, ought to be calculated on the amount that would be recoverable at the end of the lease. At the end of a period of 99 years the whole of the property of the Railway Company would fall to the State; but it had been pointed out that up to the period of six months from that date the Railway Company had the power of renouncing their property and recovering from the State, not, as in the present instance, the whole of its market value, but merely the capital expended on the line; therefore, there was some degree of force in the argument that if they were going to have a sinking fund for the re-payment of the capital, they ought to base it on par value of the stock, and not on the proposed sum of £125. There was also the question of the Jubbulpore branch. The period for purchasing that line had been anticipated, and the consequence was that

£10,000 a-year more had to be paid in respect of that branch, because if the four years still unexpired had been allowed to run out, a certain 5 per cent loan, which greatly affected the amount of interest, would have been extinguished; and, therefore, the rate of interest payable on the Jubbulpore branch would not have been so great. That, of course, was a necessary part of the arrangement, and he would not complain of it; but what he wanted to point out was, that in all the instances where the literal application of the contract bore hardly on the Indian Exchequer and was favourable to the Company, the literal acceptance and strict letter of the contract had been insisted upon. Where, in the one instance he had quoted, the matter was the other way, they were told that an allowance ought to be made. But the main point, undoubtedly, was the question of the rate of interest, which was a matter not only of greater intricacy, but a much larger sum was involved, and great attention was required. The words which were used in the contract were—

“The rate of interest used in calculating the annuity is to be determined by the average rate of interest during the preceding two years in London received upon the public obligations of the East India Company.”

He thought there was something in the argument of the hon. Baronet the Member for Kirkcaldy (Sir George Campbell) as to the meaning imparted to the clause by the use of the expression “received;” and he was bound to point out to the right hon. Member for the City of London (Mr. J. G. Hubbard), who quoted the rate of interest in Calcutta as an element in the calculation, that the clause distinctly said—“the rate of interest in London;” and, therefore, what, in the least, had the average rate of interest received in Calcutta to do with the question? The meaning given to these words in the Bill was this. The rate of interest was arrived at by this computation—all the Company’s stock, and all their obligations in London, were taken at par, and divided by the total interest payable thereupon. There was so much stock at 4 per cent, and so much at 5 per cent; they struck an average between them, and said that should be the rate adopted. The two other alternative interpretations that had been mentioned

were either the rate of interest received on investments on Indian securities, or the rate of interest at which money had been actually raised during the two years by the Secretary of State. Surely, at any rate, the intention in placing these words in the contract was to ascertain something that was affected by the circumstances of those two years; they wished to ascertain what rate of interest should be employed in borrowing the money; they, therefore, wished to know how the credit of the Government of India stood in the market. For that purpose, they took certain events connected with those two years into consideration; but it appeared to him to be quite unnatural to accept the interpretation which had been adopted by the Government, because it had nothing whatever to do with the two years; it had only to do with the circumstances under which the loans were issued 10 or 20 years ago. If they took the nominal rate at which new obligations had been issued during the two years, or if they took the amount of money received on investments in old obligations, then they ascertained the facts which indicated the present state of the credit of the Indian Government. But if they, on the other hand, used the interpretation which was acted upon in the Bill, they were fixing a rate of interest for the next 73 years according to something that happened 10 or 20 years ago. That he admitted, was an *a priori* argument, and he would not for a moment set it up against any legal obligation strictly binding upon the Indian Government. But it had been avowed by the India Office that the original contract was, in reality, set aside and superseded; and they, therefore, need not be particular about the strict technical application of the words, but ought to be guided by the spirit and intention in the minds of the framers of the contract. He asked the House to allow him for a moment to accept the interpretation which the Government had put upon the words, to assume that it was true, and that the meaning they had acted upon was the right one. What was the account they themselves gave of it? Sir Louis Mallet, who gave evidence before the Committee on the part of the India Office, made a statement of the history of the matter which was extremely instructive. He said—

Mr. Campbell-Bannerman

"At the time when this clause was drawn the only securities of the East India Company on the London market were bonds which bore a fluctuating rate of interest—that is to say, that the value of the bond was not allowed to vary, but the interest was raised or lowered according as the price sunk below or rose above par; and, therefore, the consideration in the minds of the drawers was just this—they thought they had got the whole thing before them; that the conditions of the problem were undisturbed by the considerations of price. If they had foreseen that the Government would have taken over the Company, that we should have heaped up our London debt and issued larger loans for a number of years, bearing different rates of interest, but the price varying infinitely, it would have been very imprudent not to have inserted words which would have referred to the market price; but I think the fact I have stated shows that it was not in the minds of the drawers of the contract, and that, therefore, they drew their clause with reference to the facts before them, and did not foresee that, as applicable to a different state of things, the effect of those terms would have been injurious."

It amounted to this—that the thing with which they were dealing was opposed to two elements, either of which might vary—capital and interest. At the time those words were inserted in the contract it was the interest only which varied; but, now-a-days, it was quite the reverse. Now, there might indeed be different rates of interest; but it did not fluctuate from year to year, and it was the market price of the stock that showed the whole variation, and therefore indicated the credit of the Government. This was an excellent historical account of the matter, and a perfect defence of the good faith and good sense of the framers of the contract; but it appeared absolutely subversive of any claim to equity on behalf of the bargain now proposed in the Bill. It amounted to this—that the criterion or gauge of the credit of the Secretary of State which was adopted in the contract was no longer applicable; the facts which were ascertainable 25 years ago, by consideration of the interest alone, were no longer so ascertainable; the calculation, which was then complete, was now incomplete; and yet it was with that confession in their mouths, and with a light heart, that the India Office, at a cost, it might be, of £2,000,000 or £3,000,000 to the Indian Exchequer, accepted the literal interpretation of the words of the contract, though they themselves admitted it was contrary to the spirit and intention of the framers.

He never knew a more extraordinary instance of recklessness in a matter of that kind. He could have understood the India Office coming forward and saying—"The meaning which we give to the words governing the interest is quite right and proper; we think it a fair, and reasonable, and natural thing that the interest which is to be paid for the next 73 years should be governed by the rate at which loans were issued 20 years ago." Or he could understand them saying—"These are unfortunate words; our agents were outwitted; these words were put in, and there they are, and we must abide by them." But the Government did not say that. They said, that this was the literal meaning of the contract; but that the effect of the words was never in the mind of those who framed the contract. He would not argue against the ample fulfilment of every legal obligation under which the Secretary of State for India might find himself; but this he would say—that when the effect of that clause was fortuitously enhanced in the interest of the Company, surely a reason might be found in the windfall which had thus come, unexpectedly, to the Company for, at all events, insisting upon a rigid application of the contract in other respects where it was more unfavourable to the Company. But what would they say when they found this extraordinary interpretation adopted by the Government, without ever having sought independent legal advice, or without going, as prescribed in the contract, to the "Governor or Deputy Governor of the Bank of England?" The hon. Gentleman who had just addressed the House said the Government could not consult the Governor or Deputy Governor of the Bank of England, because different Governors were in office at the end of the time to those in office at the beginning. The Governor of the Bank of England was like the King, he always reigned; and what was meant in this instance by the word "Governor" was the functionary, and not the individual. And, surely, when those words were explicitly in the contract—if the contract was to be of any force—that was a very good reason for, at all events, taking the opinion of the Governor or Deputy Governor of the Bank of England, although the 24 months might not absolutely have expired. The

literal adherence to the terms of the contract as to the time of purchase. That the price of the stock was prejudicially affected by the operation of the Government was beyond question. The average price of East India Stock for two years was £125; and the average price of Eastern Bengal Stock was £134; but the dividend paid on East India Stock was $6\frac{1}{2}$, and on Eastern Bengal only 6, so that, though the dividend was $\frac{1}{2}$ higher, the value of the stock was considerably lower; and this diminution was unquestionably due to the prejudicial effect of the negotiations with the Government. Therefore, he thought, the case of the Government was perfect on these two points. Then, as to the rate of interest, the Indian Government contend no concession was made. In the careful discussion, and many calculations, as to whether or not it would be advisable to buy the line, one element was always involved—that, according to the terms of the contract, higher rates would have to be paid for the East India Stock than for that of other Companies, because of the 5 per cent loan which was redeemable next year. The Indian officials maintained that this 5 per cent loan was an element not to be eliminated. But, after all, they were upon the same footing as they were in the Committee, for the question was one for legal interpretation, and no one had a right to interpret it except a Court of Law. Without going into this at length, he might fairly say that, whether the India Office were in their interpretation right or wrong, it was quite clear that had any other interpretation been adopted it would have been open to doubt, and, probably, would have led to a law-suit. Was it worth while for the Government to decline to treat with the Company, because of the interpretation the latter put upon the contract, leaving the settlement to a Court of Law? Assuming that the Government ultimately proved their case, the damage to the line and the loss of revenue would have been great; while, assuming that they lost, their position would be much worse than it was now. Therefore, he confessed, as regarded himself, he had been influenced less by the consideration of whether they might be charged with a breach of faith than by the conviction that if the House threw out the Bill to-

Lord George Hamilton

morrow, it would be difficult to make arrangements more advantageous to the people of India. The whole question must be taken together—not merely the question of annuities to be paid, but how far the Government could recoup themselves out of the railway to compensate for the charges the annuities entailed on the Revenues of India. According to the calculations the Committee had before them, assuming the continuance of the present management, there was no reason to doubt that the revenues of the railway would be amply sufficient to meet the amount of the annuities, and to put, besides, a considerable surplus into the pockets of the Government. They would be in possession of one of the most valuable railways in the world, and, instead of paying towards it for 73 years, they would during the time be actually making a profit out of it. Therefore, he hoped the House would not attempt to upset the Bill either by opposition to the consideration of the Report, or, by the insertion of Amendments here and there, upset the framework of the Bill. The Committee went at length, and with great care, into the details of every clause, and it was their unanimous opinion that the House must either accept the Bill as it stood, or else throw it out. A great difficulty the Committee were under was owing to the mode in which the Bill was presented to them. It was essentially a question of public importance; but the Committee had to follow the procedure and practice of Private Bill legislation, by which the Preamble of a Bill was first considered. But the Preamble in the present Bill occupied 19 pages, and was full of contentious matter. It embodied a despatch from the Secretary of State, all the terms of agreement, the details of purchase, and the proposals for working the line. It was found impossible to alter one detail of this despatch, and the Committee were compelled to pass the Preamble or throw the Bill out. After a long and anxious consideration, the Committee came to the conclusion it was best to pass the Preamble, and then amend the Bill as best they could, and in this sense they reported to the House. He quite agreed with the terms of the Motion of the hon. Member for Hackney (Mr. Fawcett), for, practically, it supported the words of his own Report. Guaranteed railways would understand

have been as difficult for the Company as for the Government. The Government had done quite rightly in endeavouring to avoid it; but it was quite as much for the interest of the Company that there should be no recourse to law. He, therefore, could not see how, on the ground of the difficulty, a case had been made out for giving extravagant terms in the purchase of the railway. The hon. Baronet the Member for Kirkcaldy, in his usual bold and courageous manner, said they ought to throw out the Bill at once, and disregard the consequences. He (Mr. Campbell-Bannerman) had never been prepared to take that course; in the first place, because he approved of the principle of the Bill, and, in the second place, because the bargain had been made and published, and stock had passed hands on the faith of it, and to upset it would cause great inconvenience. Again, if the Bill were thrown out, the Government would have to make another bargain with the Company; but they would be the last persons in the world to make a good bargain now, because they had already committed themselves. Neither did he agree with the hon. Baronet (Sir George Campbell) in thinking it would be desirable to purchase the line, and take over the management. He thought the Resolution of the hon. Member for Hackney (Mr. Fawcett) was a sound one; and he expected that great benefit would accrue from the discussion of the question in the House, and from the thorough inquiry which took place before the Committee. They ought to be content with these advantages such as they were, and he advised the House not to support the hon. Member for Kirkcaldy in absolutely opposing the measure.

LORD GEORGE HAMILTON said, that as he was Chairman of the Committee to which the Bill was referred, he might be pardoned if he trespassed upon the time of the House for a few moments. He believed the Committee acted in a thoroughly impartial manner, and they felt exceedingly the difficulty of the task before them. The House would allow him to point out what would be the consequence if the Bill were rejected. The Bill provided for the purchase by the Government of a valuable property, the East India Railway. Everybody would admit that the Government were right in exercising their power to pur-

chase the railway. The next feature of the Bill was the manner in which the Government were to get possession of the property. They proposed to obtain possession by means of annuities, and he did not think anyone would consider that the Government were wrong in arriving at that conclusion. Thirdly, it was determined that the present Company should be continued as the working authority of the line, and that was a point to which sufficient attention had not been called. The hon. Member for Kirkcaldy said that the railway officials ought to be placed on the permanent Staff of the Government of India. Of course, the officials would approve of that, because they would receive higher pay, and very materially improve their position. But if the Government had at once undertaken the working of the line, no one could estimate how far the receipts would have fallen off. If the Government had decided to undertake the management, and had been able to keep the expenses within 10 per cent of those at present, they would have succeeded very well. The Government had found it necessary to anticipate the contract, and they wished to maintain the present Company as the working authority of the line. It was the intention to adhere to the contract, except in two particulars, the exceptions being the price for the stock, and the acquisition of the branch line. And this last, though it involved a payment of £10,000 a-year, must ultimately be a greater gain to the Government than it had been to the Company. As to the price to be given for the stock. According to the contract, this was to be the average market value of the stock for the three years preceding the date at which the Government might take over the line. According to the terms of the contract, the three years would be those antecedent to February 20, 1879. By anticipating the contract, the term of years was from November 1875 to November 1878. There was no doubt whatever that the mean rate would have been higher during the period mentioned in the contract than it was during the period the Government took; and, therefore, when it was found that the mean market value of the period taken was £124 4s. 3d. it was agreed to give £125 as a compensation for the higher price the stock would have attained, if there had been a

the Company in consequence. What was this, but giving away that very power of pre-emption the Predecessors of the Government had secured 25 years ago? Then came the question of the conversion of the capital sum into annuities. This was divisible into two points. The railway stock was to be paid for at £125 for £100 of stock, and what followed was supplementary, not, of course, to be affected by the course of fair and easy dealing with the Company. Then arose the question upon what terms this should be converted into annuities terminable in a certain number of years. As the hon. Member for Hackney (Mr. Fawcett) said, this conversion was not made in pursuance of the contract. Here they were acting outside the contract, and only accepted the contract as a guidance in the transaction. Taking that to be true, the question was, what was the meaning of the contract as guiding this conversion of the capital sum into Terminable Annuities? It was at once obvious that since they were not taking it as an imperative direction, they were entitled to look at the intention rather than at the words themselves, if the words were ambiguous and incapable of direct interpretation. It had been conceded by everyone speaking from the Government Benches that the obvious intention was that the conversion of the capital sum into Terminable Annuities should be made upon such terms as the annuities would sell in the market, so that the railway should suffer no loss from this form of the bargain. That was regarded as the intention of the contract by the Chairman of the Company himself. It was obvious that if they wanted to discover the rate at which these securities would sell, they must go to the market and find out what was the interest on current Indian Annuities. There could be ascertained at once the exact rate at which the £125 could be converted into its equivalent in Terminable Annuities. More than this, there was a guide to be found by reference to the antecedent practice of the East India Company. The East India Company were in the habit of borrowing from time to time in the London market, and they offered such terms as floated their obligations at par. According to the Under Secretary, they were not bound by the exact terms of the contract, but could work outside it, only following its spirit.

Mr. Courtney

Then, recurring to the rate at which the East India Company borrowed, he found it was £3 18s. 5d. per cent, instead of the £4 6s. 0d., by which now the Government would throw a loss upon the Indian Exchequer of between £2,750,000 and £3,750,000. They had been told that this had been very carefully considered by the Indian Government, and there had been an unanimous opinion in favour of dealing with the Railway Company in the manner proposed by the Bill; but it appeared to him the Indian Government were liable to very grave censure for the sacrifices they had made of the Indian Treasury—first, by giving a greater capital sum than ought to have been given; and for the still more flagrant sacrifice by converting this sum into annuities at an unnecessarily high rate. What was to be done now? The hon. Member for Kirkcaldy (Sir George Campbell) had been somewhat misunderstood. What he (Mr. Courtney) understood him to say was that the cardinal fault of the Indian Government in carrying through these transactions was that they thought they were “under the thumb” of the East India Railway Company, whereas the reverse was actually the case. The Government had the power in February of this year of compulsorily buying the main line of the Company, though they could not buy the Jubbulpore branch for four years to come. But they could easily have waited four years for this, the main line being the profitable line. If they had said to the Company—“We are going to buy your main line under our compulsory powers, but if you are willing we will enter into agreement for the transfer of the Jubbulpore line also,” then they could have secured terms very much more favourable than they had now. If the Company had stood out, then the Government need not have bought the Jubbulpore branch line at all, but have gone on with the main line independently. As the hon. Member for Kirkcaldy said, the compulsory power was still open; it ran for six months from February, so that it would not expire until August. Even then, if the Bill were put aside summarily—which, however, he did not advocate—it would not follow that the policy of purchasing the railway would be negatived, or the power of purchase negatived. The Government might still give notice of their in-

in future negotiations that the present action settled nothing as regarded the interpretation of the annuity clause. He would even go further, and express an opinion that if the Governor or Deputy Governor of the Bank of England were to be the sole judges of the clause—and no one could say what views those officials might hereafter hold—if their decision was to be absolute, then that would be putting enormous power into the hands of those gentlemen, without giving power to the contracting parties to appeal to a Court of Law. The Governor and the Deputy Governor of the Bank were mentioned in these old contracts probably because they kept the official records of the East India Company, and they were only to be applied to as to the facts upon which the contracting parties were to agree; but it was unjustifiable, in his opinion, to assume that in any essential points of the contract both parties should not appeal to a Court of Law. Another difficulty might occur in cases where the Governor and the Deputy Governor gave independent opinions. Suppose one party appealed to the Governor for his interpretation of the clause, and the other party referred to the Deputy Governor; and supposing the two opinions to conflict, who was to decide? There was no provision for settling this difficulty. Rather strong and unfair language had been applied to the Secretary of State in Council in respect to these contracts; but it must be remembered he did not make the contracts—they were a legacy from the East India Company. The hon. Member for Hackney had often praised the finance of the old Company; and, as a matter of fact, this contract was drawn up by Mr. James Wilson, one of the ablest men of his day, and though it might now seem ambiguous and difficult of interpretation, at that time these contracts were considered models of lucidity. But they were applied to the different circumstances of 25 years ago, and that was the main cause of the divergence of opinion now. He hoped the House would assent to the Motion of the hon. Member for Hackney, and then pass the Bill without alteration. The arrangement had been shown to be altogether of an exceptional character, inasmuch as the loan bearing 5 per cent was redeemable next year, and would be altogether eliminated from future calcula-

tions as regarded the rate of interest. It was exceptional, inasmuch as the Company had reduced their working expenses to a lower amount than they had ever been before, and, in consequence, the property had become so valuable that it was necessary that the Government should acquire possession of it. Under the circumstances, he hoped the House would accept the Resolution of the hon. Member for Hackney, and then pass the Bill without alteration.

MR. COURTNEY said, when the noble Lord argued in favour of the Indian Government dealing in a liberal spirit with the Company because it was due to this purchase that their stock stood at a diminished price in the market, he used an argument of a somewhat extraordinary character. The fact was, there was the power of pre-emption given to the Government by the original contract with the Company, and the existence of this had the effect of bringing down the price of stock in the market. Yet, when the Government proceeded to exercise the power given by the contract, then it was proposed to take into account the depreciation of stock which resulted from this right of pre-emption. Take a parallel case. Suppose the Government had two stocks at 5 per cent; one redeemable in 20 years, and the other next year. Of course, the 20 years' stock would be selling at over £150 in the market, while the other would be £101 or so. And suppose the Chancellor of the Exchequer came with a proposal to give these people a bonus next year because their stock could be redeemed at a depreciated price. That was the whole gist of the comparison the noble Lord made between the East India Railway and the Eastern Bengal.

LORD GEORGE HAMILTON explained what he had said was, that by the operations of the Government during the three years antecedent to the date the Government entered into the arrangements the price of stock was lowered.

MR. COURTNEY said, that the argument went further than the three years antecedent to the period when the right was exercised. The price would be depreciated, the price of stock would begin to fall as the period approached for the right of purchase. This had the effect of depreciating the stock, and now it was proposed to give an extra price to

of it; he believed the purchase of railways was a fatal mistake. He thought the noble Lord who had spoken, the Vice President of the Council, stated distinctly they were never expected to give the amount to the old railway, because they felt it was impossible to carry on the railway on terms that were advantageous to the Government. They were not competent to compete with private individuals, and, therefore, the less they had to do with them the better. He objected altogether to the purchase, and he had seen some little of the working of those purchases. Let them look at the commencement of that contract; what was it? It was originally a 99 years' lease. His hon. Friend the Member for Dover gave them some figures as to how they began; but he forgot to tell them about the 22nd clause—how that got into the contract. Then came a little clause touching the payment, to the effect that any time during those 99 years the Railway Company should have the right of payment, to demand the payment of the whole of their capital. He did not find fault with the Government; but he could not understand how the clause should have got into the Bill. There was nothing new in a 99 years' lease; the French Government did it, but the French Government took possession of the lines; and they should have done the same in India, if it had been properly arranged. But here, after guaranteeing five-sevenths, having done that, they allowed that clause to be introduced, stating, to the astonishment of mankind and all who read it, that those gentlemen to whom they had guaranteed the 5 per cent and granted a 99 years' lease should have the right to come and demand the whole of their capital. They might say, "Why did you pass the Preamble to this Bill?" And there he agreed, without hesitation, with the noble Lord, in saying they could not do otherwise; the inextricable confusion that would have arisen made it impossible to do otherwise. He agreed entirely with the Resolution of his hon. Friend the Member for Hackney (Mr. Fawcett), and he was extremely glad that Her Majesty's Government were willing to accept it, as it would, in the future, prevent contracts being made like the present one.

MR. CHILDERS said, he merely rose to address himself to one point in his hon. Friend's case, and he should merely

speak to that one point. He thought there was some misunderstanding. His hon. Friend the Member for Hackney had moved an Amendment expressing the sense of a portion of the majority of the Committee, expressing the sense of those who had looked into the matter, and the Government had accepted that Amendment; therefore, there was really no question before the House, except to reject the Bill altogether, and into that question he would not go. There was, however, one point, and that was, on what basis should the annuity be calculated? If, instead of accepting a cash payment, an annuity should be demanded, on what basis should that be calculated, under the terms, not only of the railway contract, but of the present arrangement? He wished to call attention to the circumstances existing during the term of Sir Robert Peel's Government. It was then proposed that all of them should revert to the State. That was considered, by a most able body of men, to be the best; and it certainly was the view taken at the time, and was done in France and other foreign countries. It was desirable that the Government should acquire the railway property of that kind, if necessary, and it was held that Railway Companies should not acquire the actual soil; they should not be the proprietors, but only hold a long lease, terminable, according to the French practice, at 99 years. The railways were constructed by Companies on the old basis of a former Act—upon an Act passed in the year 1844, or 1855, he was not sure which—under which the Government had power to acquire all the railways after a period of 21 years, on giving certain notice, on a certain basis of valuation. Although that compromise was accepted by Parliament, it had never been put in execution at all, and the plan of the French Government was adopted—that was to say, they only had property in their lines for 99 years; and, at a certain interval, Government could acquire those lines upon paying an adequate compensation. But there was this difference. In the case of English railways, the Companies were to hold the lines absolutely; but in the case of India, the Companies were only to hold them under a 99 years' lease, and the amount to be paid was fixed by Government. There was an alternative. Instead of paying the capital

Mr. Muntz

tention to purchase the main line, and might enter into a new contract with the Company; this might be easily and profitably done. The House was much indebted to the hon. Member for Hackney for bringing forward his Resolution, and demonstrating as he had done that the Indian Government, in two ways, had shown deplorable laxity in guarding the Revenues of India.

MR. MUNTZ doubted if any Committee had more difficulties to contend with than the Committee to whom this Bill had been referred; but if they had a difficulty there, it had now been increased by the extraordinary statement of the Under Secretary, in which he had informed the House that this contract was not binding, but merely put forward for guidance. ["No, no!"] Then he was glad to hear it was legally binding; but that was precisely what they had been told all through, that it was not. Then, let the contract be adhered to, and there would be no sacrifice of this £3,000,000 or £4,000,000. Either the contract must be binding or not. It was absurd to say the contract should be adhered to where it suited the Indian Government, or where it suited the Company, and where it did not suit the Company it should be overturned. The Committee were informed that the contract was not binding, but that it was to be made the basis of an arrangement; otherwise, the contract was binding on both sides. In the first place, the Committee were in a difficulty from having the Bill laid before them as a Private Bill, and being told to discuss the matter on grounds of public policy, and they were obliged to call evidence to this public policy. The question of finance was clear enough, supposing the contract to be binding. On the subject of general policy, he had himself put questions to Sir Louis Mallet, and received for answer that the advantages contemplated, if the Bill became law, were twofold. The witness believed that, in future years, Government would derive a large revenue from the railway; and, in the next place, the longer the transfer was delayed the larger the sum Government would have to pay. For military purposes, it was not absolutely necessary to acquire the line; in fact, the only advantage was, that the property ought to be secured because it might increase in value. In reply to another question,

Sir Louis Mallet said this was not a speculative opinion; but it was formed on solid reason and experience as a basis. That was precisely the case with all railways, and when they gauged it they found their net receipts were so much in excess of the expenditure that they could afford to pay very large dividends; and if hon. Members would recollect, they would remember how some railways that had paid 10 per cent, 7 per cent, or 6 per cent, were now paying only 5 per cent, 4 per cent, 2 per cent, and even nothing at all. If they would consider how they commenced, they would know very well those railways, in their first operations, had everything new—new engines, carriages, rails, new bridges, and everything else; there were no repairs, there was everything to receive, and nothing to pay.

MR. E. STANHOPE: These have occurred since the Famine.

MR. MUNTZ said, he was now talking not of the East Indian Railways, but of what was the result on the receipts in this country. He said they would have the same occur with respect to all railway property in India; and, therefore, it was unfair to make such a commercial arrangement as the one that had been made. At the present moment, there had been received up to June, 1878, the sum of £518,000; the year before it was £630,000. He had no doubt it had fallen off from the exigencies of circumstances; but it showed that the increase was not going on as was anticipated. At this moment, the Railway Companies worked the railways under a guarantee of India 5 per cent. They received five-tenths now, and they were going to give two-tenths to the Indian Railway Companies for their management; that was, some £200,000 a-year, and all they gained by that was three-tenths; they got three-tenths of the surplus beyond the 5 per cent, and was it worth the while of the Government incurring the great risk by taking the burden of the Company upon themselves? He did not wish to trouble the House with financial opinions; but the hon. Gentleman the Under Secretary of State for India made this remark—he said, after the purchase, it could not be disputed—no one in that House, and, he believed he said, or out of the House, could doubt the policy of the purchase. Now, he was one of those who did doubt the policy

of it; he believed the purchase of railways was a fatal mistake. He thought the noble Lord who had spoken, the Vice President of the Council, stated distinctly they were never expected to give the amount to the old railway, because they felt it was impossible to carry on the railway on terms that were advantageous to the Government. They were not competent to compete with private individuals, and, therefore, the less they had to do with them the better. He objected altogether to the purchase, and he had seen some little of the working of those purchases. Let them look at the commencement of that contract; what was it? It was originally a 99 years' lease. His hon. Friend the Member for Dover gave them some figures as to how they began; but he forgot to tell them about the 22nd clause—how that got into the contract. Then came a little clause touching the payment, to the effect that any time during those 99 years the Railway Company should have the right of payment, to demand the payment of the whole of their capital. He did not find fault with the Government; but he could not understand how the clause should have got into the Bill. There was nothing new in a 99 years' lease; the French Government did it, but the French Government took possession of the lines; and they should have done the same in India, if it had been properly arranged. But here, after guaranteeing five-sevenths, having done that, they allowed that clause to be introduced, stating, to the astonishment of mankind and all who read it, that those gentlemen to whom they had guaranteed the 5 per cent and granted a 99 years' lease should have the right to come and demand the whole of their capital. They might say, "Why did you pass the Preamble to this Bill?" And there he agreed, without hesitation, with the noble Lord, in saying they could not do otherwise; the inextricable confusion that would have arisen made it impossible to do otherwise. He agreed entirely with the Resolution of his hon. Friend the Member for Hackney (Mr. Fawcett), and he was extremely glad that Her Majesty's Government were willing to accept it, as it would, in the future, prevent contracts being made like the present one.

Mr. CHILDERS said, he merely rose to address himself to one point in his hon. Friend's case, and he should merely

speak to that one point. He thought there was some misunderstanding. His hon. Friend the Member for Hackney had moved an Amendment expressing the sense of a portion of the majority of the Committee, expressing the sense of those who had looked into the matter, and the Government had accepted that Amendment; therefore, there was really no question before the House, except to reject the Bill altogether, and into that question he would not go. There was, however, one point, and that was, on what basis should the annuity be calculated? If, instead of accepting a cash payment, an annuity should be demanded, on what basis should that be calculated, under the terms, not only of the railway contract, but of the present arrangement? He wished to call attention to the circumstances existing during the term of Sir Robert Peel's Government. It was then proposed that all of them should revert to the State. That was considered, by a most able body of men, to be the best; and it certainly was the view taken at the time, and was done in France and other foreign countries. It was desirable that the Government should acquire the railway property of that kind, if necessary, and it was held that Railway Companies should not acquire the actual soil; they should not be the proprietors, but only hold a long lease, terminable, according to the French practice, at 99 years. The railways were constructed by Companies on the old basis of a former Act—upon an Act passed in the year 1844, or 1855, he was not sure which—under which the Government had power to acquire all the railways after a period of 21 years, on giving certain notice, on a certain basis of valuation. Although that compromise was accepted by Parliament, it had never been put in execution at all, and the plan of the French Government was adopted—that was to say, they only had property in their line for 99 years; and, at a certain interval, Government could acquire those lines upon paying an adequate compensation. But there was this difference. In the case of English railways, the Companies were to hold the lines absolutely; but in the case of India, the Companies were only to hold them under a 99 years' lease, and the amount to be paid was fixed by Government. There was an alternative. Instead of paying the capital

Mr. Muntz

sum down, as for English Companies, the Government should be empowered to pay an annuity, current over the remainder of the period of 99 years; and that was the origin of the special clause which had been the subject of so much discussion to-day. The question he wished to ask he dared say the Chancellor of the Exchequer could answer satisfactorily; and, if so, it would, perhaps, clear up the matter. In the agreement which they now had under consideration, and which was explained in the Bill, but which was still more explained in the portion of the evidence to which no reference had been made, the owners of stock in the East India Railway had an option—they might either accept the annuity during the remainder of the 99 years, or they might accept a perpetual annuity. If they referred to the evidence, they would see it was stated by Mr. Crawford—and if they referred to the Preamble of the Bill, they would see it there—that they had the option of taking either a perpetual annuity, or an annuity for the remainder of the 99 years. In the answer given by Mr. Crawford, they would see that 2,427 proprietors had agreed to accept the perpetual annuity, instead of the annuity for the remaining period of 70 years, or whatever it was. It was the option of receiving cash, or the equivalent of cash, at the present time, fairly represented by the annuity; and the railways, representing nearly £4,000,000, had accepted nearly £4,500,000 of stock in the nature of that annuity. The question he wanted to ask was this, If the railways had the option of taking a terminable annuity at a fixed term of 70 years, or a perpetual annuity terminable by the Government at a certain date, why, he wished to ask, was the rate of interest different one from the other? It seemed to him that if all the proprietors were to be put on a level, as had been so strongly put by the noble Lord, those two were not upon a level. That was the only question he wished to ask, and, perhaps, the Chancellor of the Exchequer could give him an answer.

MR. LAING said, he did not wish to prolong the debate; but there was one point that had not been touched upon, and which he thought should be referred to. It was unanimously agreed that, as to the main point, there was no difference of opinion; and he believed the majority

of the House were satisfied that the Government had acted wisely in making the purchase; that they acted very wisely in making arrangements with the Company to work the line instead of attempting to work the line themselves, and he did not think there was any great dissatisfaction as to the payment of the £125 per cent stock; but there was a great amount of dissatisfaction at the confusion that had been effected in the terms that had been so unfavourable upon the Government, and which had imposed a needless burden of £3,000,000 upon the taxpayers of India. Rightly or wrongly, that had been interpreted at the India Office to mean they were to take the amount of interest paid, and not the interest that would be yielded by stock. He could hardly imagine that interpretation could hold good, and he could not see any meaning in the reference to the Governor or Deputy Governor of the Bank of England, unless it was for ascertaining what the rate of interest should be. The whole difficulty might have been avoided by standing on the other alternative, never offering an annuity, but paying off the amount in cash or in stock, which would be equivalent to cash. He should have thought the natural mode of proceeding was this. When the India Office found they were fettered by the wording of the clause, they should have offered the payment in a different form, and have said—"Here is £125 in cash, or its equivalent in 4 per cent stock;" and they should have given those who liked to take the opportunity of participating in one-fifth of the profits a less amount in cash or stock. They might have said they could either take £125 in cash, or £100 in cash or stock, and scrip for £25, representing the profits, and, in that way, they would have got rid of the annuity altogether. As regarded finding the requisite cash, a loan for an equivalent amount, specially secured on the purchased railways, could easily have been raised in the market; but, practically, a fair offer of stock would have been taken by nearly all the shareholders, and the operation would have been an ordinary one of the conversion of a loan into one of lower interest. Therefore, if he might say so, under all the circumstances, it was no excuse to say the annuity clause had placed them in a disadvantageous position.

Mr. GRANTHAM said, he would venture to answer the question that had been put by the hon. Member for Orkney (Mr. Laing). It was self evident that if the purchase could have been made in that way, it would be the better course to adopt; but the Committee was told by all the responsible advisers of the Indian Department that it was felt, in financial circles, that the Government could not take such a course without disarranging the finances of India. It was unanimously felt it would not be wise to go to market at the present time, with finances that were considerably disarranged, to borrow the £30,000,000, which would be required to pay them off in cash, when there was the certainty of having to raise £17,000,000 next year to pay off the £5 per cent loan. It had also been stated they should have had stock itself. The shareholders would not have accepted stock; and, that being so, it became a matter of "Hobson's choice." It had been assumed the Government were not bound to pay anything as the sinking fund, and that the 4s. 6d. given for the sinking fund was not necessary. Now that, he thought, was a mistake, because the annuity clause came in. It was true there was a clause in the contract giving the Government power to purchase at the end of 25 years; but if the Government were to come in before the Company had derived the full benefit of their outlay, which they would do at the end of 99 years, then there was a reason why the property should be treated as freehold, and not as leasehold, and should be taken at its full value. They were told, therefore, that if the Government purchased the line, it would be very difficult for them to raise money in cash, and that it would be cheaper to pay a larger sum in the shape of an annuity. That being so, there was no choice on the part of the Government at all; for the construction put upon the annuity clause as to the necessity of providing a sinking fund was, he had no doubt, the correct one. He quite agreed with the hon. Member for Birmingham (Mr. Muntz), and the hon. Member for Orkney (Mr. Laing), that if the Government could have paid in cash it was their duty to have done so; but, under the circumstances, they had done the best they could, and, indeed, they

Mr. Laing

had no other course open to them than the one they had adopted.

THE CHANCELLOR OF THE EXCHEQUER: I merely rise in consequence of the question put by the right hon. Member for Pontefract (Mr. Childers), and I rise rather to say that I should prefer to have that question answered by my hon. Friend (Mr. E. Stanhope) or my noble Friend (Lord George Hamilton) who sit near me, and who are familiar with these matters. I think it would be more convenient if the question were put to-morrow on the Report. The position in which we now stand is this. The Bill has been laid before the House with a view to the consideration of it. The hon. Member for Hackney has moved an Amendment upon the question of its being taken into consideration, and that Amendment the Government are prepared to accept. Therefore, instead of considering the Bill now, we shall pass the Resolution of the hon. Member for Hackney; and, to-morrow, we will endeavour to proceed with the consideration of the Bill, when the hon. Member for Kirkcaldy has one or two Amendments to propose.

Mr. CHILDERS: I will repeat my question to-morrow, and put it more clearly, so as to give the Chancellor of the Exchequer a fair opportunity of replying to it.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put.

Resolved, That this House, adopting the recommendation contained in the Special Report of the Committee to which this Bill was referred, is of opinion that its provisions should not be regarded as a precedent for defining the terms on which the Indian Government may hereafter exercise its right of acquiring possession of the other guaranteed Railways in India.

Consideration, as amended, *deferred* till *To-morrow*.

ORDERS OF THE DAY.

—o—o—o—

INDIAN MARINE (*re-committed*) BILL.

(*Mr. Edward Stanhope, Mr. J. G. Talbot.*)

[BILL 211.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed.
"That Mr. Speaker do now leave the Chair."—(*Mr. E. Stanhope.*)

SIR CHARLES W. DILKE said, that this was a measure of too great importance to be considered at that period of the Sitting, as it dealt not only with ships in Indian waters, but with Indian ships in all waters, even in the waters of this country. He, therefore, begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Sir Charles W. Dilke.)*

MR. E. STANHOPE hoped the objection would not be pressed. The Bill was a very simple one, and it had been discussed the other evening on the second reading. Hon. Members would have the opportunity of moving Amendments in Committee, and he hoped that the time they had at their disposal now might be devoted to its consideration.

MR. HOPWOOD said, he should support the Motion for the adjournment of the debate.

Motion agreed to.

Debate adjourned till Thursday.

POOR LAW AMENDMENT (No 2) BILL.

(Mr. Salt, Mr. Sclater-Booth.)

[BILL 212.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

And it being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

M O T I O N.

EDUCATION (WALES).—RESOLUTION.

MR. HUSSEY VIVIAN, in rising to call attention to the deficiency of due provision for higher education in Wales, and to move—

"That, in the opinion of this House, it is the duty of the Government to consider the best means of assisting any local effort which may be made for supplying such deficiency;"

said, he rose with a sense of the deepest responsibility, because he felt that on

the fate of his Motion might depend the future intellectual advancement of the people of Wales. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone), in that great speech which he delivered on moving the second reading of his Irish University Bill, said—

"When we look into the far future, the well-being of Ireland must in great degree depend on the moral and intellectual culture of her people; and in promotion of that culture the efficiency of her Universities cannot fail to be a most powerful and effectual instrument."—[3 *Hansard*, ccxiv. 378.]

Of all men in this country, the right hon. Gentleman had probably drank deeper at the source of intellectual knowledge than any other man. No man was, probably, more capable of appreciating the benefits of high education—such education as was imparted at their old Universities—than his right hon. Friend; and, certainly, no man had sacrificed more than he in the endeavour to extend such education to Ireland. The first portion of his (Mr. Hussey Vivian's) task to-night was to show that there was a deficiency of high education in Wales, and he regretted that he would have no difficulty in proving that. Before, however, they could determine whether there was a deficiency, they must arrive at some standard of what should be the number of students, as compared with population, who ought to receive high University Education, and for that purpose he would again advert to the speech of the right hon. Gentleman the Member for Greenwich, to which he had already referred. The right hon. Gentleman then showed that in Ireland there were students in arts at Trinity College, Dublin, 563; at Belfast, 136; at Cork, 50; and at Galway, 35—being a total of 784. In law, medicine, and engineering, there were altogether 455, and for degrees at Trinity College there were 395—being a total, in the whole of Ireland, of 1,634, or one student for every 3,121 of the 5,500,000 people in Ireland. His right hon. Friend characterized that as a bare and meagre figure. The right hon. Gentleman further showed that in Scotland there were 4,000 students, which meant one for every 840 of the population. He (Mr. Hussey Vivian) had ascertained with as much care as he could the number of Welsh students in

the enjoyment of University Education. He found that at Jesus College, Oxford, which was open to all the world, although, for the most part, the students were Welsh—and for the purpose of this statement he had taken them as being so exclusively—the students were 55 in number; at St. David's, Lampeter, he took them at 70; and at the University College of Wales, at Aberystwith—founded in 1872—at 64: making a gross total of 189. Those figures gave one student to every 8,000 of the population of Wales, taking the population to be 1,500,000. That was the actual condition, so far as he knew, of higher education in Wales at this moment. In the opinion of the right hon. Gentleman the Member for Greenwich, one in 3,121 for Ireland was a very poor and meagre figure. What, then, must one in 8,000 be considered. If Wales had the proper proportion of students—the same proportion as Scotland—instead of having 189, it would have 1,786. If that did not prove the deficiency of higher education in Wales, he could not conceive what would do so. In that estimate, however, he did not include students who might be at other Colleges, not strictly Welsh Colleges, for the reason that it was not possible to ascertain the figures correctly, and also because both Irish and Scotch students studied at the other Colleges, and were not included in the figures given. Nor did that estimate include the students in Nonconformist Theological Colleges, which were not in the nature of Universities, and at which students were educated for a special purpose. Those students, however, were in the whole only 360. In Wales they were not wanting in young men, for it was estimated that there were no less than 48,000 young men belonging to the professional, commercial, and agricultural classes, between the ages of 15 and 25; therefore, the supply was there, and the means of education only were wanting. He had spoken of three Colleges belonging to Wales, and now must show what those Colleges were. He first took Jesus College, Oxford. He had heard it stated, on the authority of the Principal of the College, that Welshmen had not so great a legal claim on the College as they believed. Jesus College was founded in 1571, on the petition of Dr. Hugh Ap Rice, under the Charter of Queen Elizabeth,

and was afterwards largely endowed by Sir Leoline Jenkins. It consisted of a Principal, 13 Fellows, 22 scholars, and about 30 exhibitioners. Six of the Fellowships were confined to Wales, and six were open, the remaining one being devoted to the Channel Islands; 20 Scholarships were entirely devoted to Welsh boys, and the exhibitioners were all Welsh. The students averaged from 45 to 65; last January there were 59. The cost of the education was £16 per annum, and the cost of the living was about £57 per annum, or a total cost of £71. He was, however, told that the actual expenses were larger, and amounted in the whole to about £100, or £110 per annum. The income was not very easy to ascertain. From the figures given in the Report of the Committee of 1873, he found that the income from all sources was £13,567 10s. 11d. Then the Meyrick fund was £1,805 17s. 10d., and the tuition fund £1,083 6s., giving a total of £16,456 14s. 9d. The expenses of the College were £13,161 7s. 1d., of which the Principal had £1,822, and 13 Fellows £3,765 12s. 1d. He wished to draw attention to these figures, because his own impression was that great economy might be introduced in the working of the College. He thought an efficient Principal might be got for less than £1,800 a-year; nor could he imagine that so many Fellows were requisite for the training of 50 or 60 young men in Arts. He believed a scheme had been propounded for Jesus College, which would take away a portion of the Welsh endowments; and he ventured to urge on the Government that they should not allow any hasty legislation to occur before they had fully considered the whole question of University Education in Wales. The next College was that of St. David's, Lampeter, which was founded by Bishop Burgess in 1822. It redounded greatly to the credit of that good man, who had the interest of his diocese, and of Welshmen generally, at heart. For 18 years Bishop Burgess set apart a tenth of his income for endowing Lampeter College. With the aid of subscriptions from the clergy of the dioceses and others, among which were grants of £6,000 under the Administrations of Lord Liverpool and Mr. Canning, and a donation of £1,000 from the Privy Purse

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of George IV., the College was established. The College was incorporated by Royal Charter in 1828, and since then Charters had been granted which enabled them to confer degrees. It was now sought to open the College more widely to general students. Up to the present time the College had been essentially a Theological College, and must be regarded as strictly for Church purposes—to educate the clergy. Now, however, other than theological subjects could be substituted for what were called Classes 2 and 3. That, to a certain extent, opened the College to lay students. The average number of students in attendance was 70; last year there were 59. It was endowed with three sinecure livings, which amounted to £535 a-year, and the Ecclesiastical Commissioners had allotted £1,525 to Lampeter—he believed from the fund of Christ's College, Llandoverly. The student's fees amounted to £1,050 on the average, and the Phillips Natural Science Endowment produced a revenue of £350. The total was £3,455. From 1828 to 1871 the College was granted £400 a-year, which was reduced to £300 in 1871, and very shortly afterwards to £150, and finally taken away altogether. The Examiners of the College were appointed by the Vice Chancellors of Oxford and Cambridge; and he presumed that as, by their Charter, they were compelled to put the standard of their degrees at the same point of efficiency as those of Oxford and Cambridge, the B.A. degrees of Lampeter might be taken as of equal value. He next came to what was called the University College of Wales, at Aberystwith. That University was the result of the spontaneous efforts of the Welsh people to supply the deficiency of higher education. It was opened in 1872 with 25 students; it had now 64, of whom 31 were resident within the walls, the remainder residing in the town. Their average age was 21, so that, in respect of age, they might class as University students. They had, although the University had been established for so short a time, obtained two open Scholarships and one exhibition at Oxford, five open Scholarships at Cambridge, and seven matriculations at London University. Three others had obtained a first, and two a second degree. Three hundred and forty-four persons

had contributed, for the purposes of this College, £10, and under £100; 38 had contributed £100, and under £500; seven had contributed £500, and under £1,000; and seven had contributed £1,000 and upwards. Altogether, upwards of £50,000 had been voluntarily contributed for the purposes of the College. That, for a poor country, and considering the short period that had elapsed, showed how deeply the Welsh people were sensible of the want of higher education. £16,000 of that sum had been expended in purchasing the freehold of the magnificent University building, which originally cost £80,000; £19,000 had been expended in carrying on the work of the University, and £15,000 had been invested. A large proportion of these contributions had come from the poorer classes, and there were 90,000 contributors of under 2s. 6d. If that did not show the general feeling of the Welsh people on the subject, he did not know what would. There was an institution in Wales called the Eisteddfod. Eisteddfodau were held yearly in Wales, and the surplus funds were, to a large extent, devoted to the maintenance of this College. The Eisteddfod of Mold granted £250, and smaller grants came from the Eisteddfodau of Bangor, Pwllheli, and Birkenhead. Scholarships of different value had been founded by the Llanberis Quarry district and other localities—a circumstance which again showed the universal interest the Welsh people took in higher education. He had visited the University a few weeks ago, in order that he might speak from personal knowledge of the condition in which it was. The situation of the College at Aberystwith was by no means a bad one, being removed from all evil influences, and equally accessible to North and South Wales. The building was a remarkably fine one. It had very fine lecture rooms. There was the nucleus of a very good museum, and there was a very good laboratory. It was purchased at a comparatively cheap price; £10,000 were required to finish it, when it would accommodate a very large number of students. The curriculum was modern languages and literature, classics, mathematics, natural and physical science, Oriental languages, logic, modern philosophy, the science of agriculture, history, and

political economy; and there was no divinity or theological teaching whatsoever. There were nine Professors, who all taught in English. He believed there was one Professor who gave lectures on the comparison of the English and Welsh languages.

He really felt ashamed to make such a statement as he had made as to the University Education which was provided for Wales. There were fewer than 200 young men receiving University Education in Wales, even including the College at Aberystwith, which had not the power to confer degrees. He took shame upon himself for having allowed such a state of things to continue. It was the duty of Welsh Members to have brought it forward long ago, and urged it on the attention of the House. But what was the position with respect to intermediate education? Why, the endowed schools of Wales were almost as wretched in regard to endowments as the University. As far as he could make out from the Reports of the Endowed Schools Commissioners, the figures in which were scattered here and there, the endowments of the English intermediate schools were upwards of £300,000 a-year. Ireland last year received £1,000,000, which must represent £35,000 or £40,000 a-year. On reference to the list of the endowed schools in Wales, he found there were 11 first-class schools, with an endowment of £4,063, and 11 second-class schools, with an endowment of £2,468, making a total of £6,531 only. Some of these, he knew, were doing good work; but, on the whole, the provision for intermediate education in Wales was of the smallest possible extent; the endowments were not adequate. He should have occasion again to refer to that matter, because he had invited the opinion of the Welsh Bishops on the subject, and they all dwelt upon the importance of intermediate education.

The financial aspect of the question of higher education was quite as bad. When the Scotch Universities were established, a grant of £140,000 was made for the buildings of Glasgow University, and there was an annual grant of £20,824 to all the Scotch Universities. He was not stating this fact in any way to depreciate the grant to Scotland; he was only using the argument in order to show what Wales ought to

get. Scotland had a population of 3,360,000, and Wales of 1,500,000 in round figures; and at the rate of the grant to Scotland, Wales ought to receive annually £8,844; but, as a matter of fact, she received nothing—not one farthing. Scotland, however, had cleverly secured the maintenance of her Universities at the time of the Union, while Wales in the time of Edward I. had not been equally fortunate or sagacious. How did matters stand in Ireland? Ireland, with a population of between 5,000,000 and 6,000,000, received actual grants to the amount of £37,978, besides the grant of £100,000 for the building of the Queen's Colleges; and, in addition to that, the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), in 1873, in order to bring Ireland up to what it was thought she should be, proposed an additional grant of £18,000 a-year. He was aware that, at the present time, the Government did not propose to add to the endowments of the Irish Universities. He did not think, however, that they proposed to withdraw any portion of the existing grants; and, therefore, he should be prepared to base the claim of Wales upon the actual sums given to Ireland. If, then, the same proportionate amount, according to population, were given to Wales as Ireland received, the grant would amount to about £10,000 a-year—a sum which, according to the argument of the right hon. Gentleman the Member for Greenwich, would be so inadequate that a Government ought to endanger its existence in order to increase it. Now, he wished to know on what grounds the sums he had mentioned were paid to Scotland and Ireland, and nothing to Wales? He could not but dwell for a moment on the distinctive nationality of Wales, and would quote from the statement of the gentlemen who drew up the Report of the Census of 1871. They said that Cambria had as distinct a nationality as Ireland or Scotland, with a natural increase of 170,000 on a population of 1,426,000. The fact was, the Welsh were a separate race in language, temperament, and tradition. Their history cannot be ignored. The Welsh, the Cornish, the Irish Celtic population, and the Scotch Gaels, were the only pure blooded races now inhabiting these Islands. They claimed to descend from the ancient people that once inhabited

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the whole of England—namely, the Cymric Celts, who were in possession at the time of the landing of Julius Cæsar. One of the greatest experts on pre-historic races was his hon. Friend the Member for Maidstone (Sir John Lubbock), in whose opinion, based on the records of caves and tumuli, the race which occupied Britain before the Cymric Celts in many respects resembled the Esquimaux, who emigrated and were driven out at a period as remote as one of the great cold epochs placed by the late Sir Charles Lyell at about 800,000 years ago, and by his hon. Friend the Member for Maidstone about 200,000 years ago. Be that as it might, their antiquity was very great. It was known that the Romans occupied this country for some 500 years, and had in their own control all the military arrangements of the country. When they had withdrawn they were open to the attacks of the savage tribes of the Continent, and were unable to defend themselves, having lost the art of war. They sent a despatch from their Foreign Office to Rome, in which they said—

“The barbarians chase us into the sea; and the sea, on the other hand, throws us back on the barbarians; and we have only the hard choice left us to perish by the sword or by the waves.”

The “barbarians” of that time were this now highly civilized nation. For 150 years they carried on the war; but at length they were driven back into Wales and Cornwall. They there remained fighting gallantly for 570 years more, and it was not until 1283 that they were finally subdued by Edward I. These were the traditions of the Welsh. They were a distinct nation, and when they heard their own national music, such as “March the men of Harlech,” no man could conceive who had not lived among them how their souls were stirred. They had a separate nationality; their language was absolutely distinct; and there could be no better test than language. There was an entire separation in language between England and Wales; and, indeed, there was no such distinction between English and any other language of Europe, except the distinction between it and the Slavonian and Greek languages. At present the number of Welsh-speaking people was estimated to be over 1,006,000. The Calvinistic Methodists, the Congrega-

tionalists, the Baptists, and the Wesleyans in Wales numbered in their ranks 686,220 persons, exclusive of children under the age of 10, and of that number only 36,000 worshipped in the English language. If children under 10 were added, these four denominations alone would represent 870,220 persons who preferred to worship in the Welsh language. There were 12 newspapers in Welsh published weekly, having a circulation of 74,500; there were 18 magazines, with a circulation of 90,300; and five monthlies, with a circulation of 3,000. In addition to this, many standard works were being constantly translated into the Welsh language. The Welsh were an eminently religious people. He had seen many congregations in many parts of the world; but in no part had he found it so universally the case as it was in Wales, that as many men as women attended divine service, and that he considered a good test of real religious feeling. The Dean of Bangor had recently declared that the most strongly marked of all the sentiments of his countrymen were their powerful religious feelings; and in eloquent words he pointed out that in America the Welsh emigrants clung to their language and religion, and that the first building that arose in a Welsh village in America, as in the mining districts of Wales, was a simple house of prayer. One of their prophetic bards had said of the Welsh—“Their God shall they serve, their tongue shall they keep, their land shall they lose, except Wild Wales.” They were a loyal and law-abiding people, and in support of that opinion he need only point to their conduct during the long strike of 20 weeks’ duration which, unfortunately, took place two years ago. They were a poor people, and could not afford to go to the expensive Universities of England. As regarded crime, Wales compared most favourably with England. In England there were 14 persons in prison in every 20,000; in Wales nine. The commitments in England were 7 per cent; in Wales only 4 per cent. He had no desire, he might say, to do anything which would prevent any Welshman from acquiring a perfect knowledge of the English language. On the contrary, he desired that they should be more highly educated in the English tongue, in art, and in science. The Government, he thought, ought seriously to consider

the points he had endeavoured to place before them. It was not for him to point out how they should deal with the question; but if he might venture upon one suggestion, he would say it was very desirable that their attention should be directed not alone to higher, but also to intermediate education in Wales, in precisely the same manner as it had been directed to the same questions in Ireland. He had received letters from the Bishops of Llandaff, Bangor, and St. Asaph on this question, with which he would not trouble the House; but he might say that they all alluded to the absolute want of proper intermediate education in Wales; and he had already shown that that feeling was general throughout the Principality. The deep interest that was felt in this matter in Wales must be beyond all doubt. Last year upwards of 100,000 persons subscribed towards the effort which had been made in founding the University College of Aberystwith; 256 Town Councils, Local Boards, and School Boards, representing a population of 1,042,874 persons, had presented a Memorial to the Government in support of that undertaking. One thing he would venture to warn the Government against. They did not want grants for denominational education. He thought he did not go too far in saying that the Welsh would not accept any grant of such a nature. He was happy to say that Her Majesty's Government had last year shown their feeling on this point in relation to the subject of intermediate education in Ireland, and in their view he entirely concurred. Wales paid taxes in support of the Scotch Universities and the Irish Universities; and if Wales had a separate nationality, what could be the reason why she should not be dealt with in a similar manner? Wales was a thoroughly loyal country. The Welsh laid down their lives in defence of their common Fatherland. If he wished to dilate on their bravery, he would only have to point to the heroic doings of the 23rd Regiment, the glorious record of whose deeds was embroidered on their Colours. The 24th Regiment, too, he might speak of. The depôt centre of that regiment was now at Brecon. At Isandlana one battalion had been cut to pieces; but they died shoulder to shoulder. Since the days of Thermopylæ there had not been a more gal-

lant defence than that at Rorke's Drift, and that defence had been mainly conducted by Welshmen. A letter from the commanding officer of the 24th, in answer to a letter from the Mayor of Brecon, spoke of them in the highest possible terms. He could not see why justice should be refused to the Welsh, who paid equal taxes, and were as ready as others to lay down their lives for the sake of England. They had waited with patience, for since 1875 repeated representations to the Government had been attended with no success. He would now urge upon the Government that this was a serious question, and deeply involved the highest and best interests of a large portion of Her Majesty's subjects, who possessed a separate and distinct nationality, and who wished to have their rights. He hoped the Government would not meet the case with a *non possumus*, or with a *non volumus*. The question had now been raised, and must not, and would not, be shelved. Justice must be done. The Government had now a golden opportunity before it; and it might, by a small pecuniary grant, secure for ever the gratitude of a devoted, a loyal, but a long-neglected race. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

MR. PULESTON said, he rose with diffidence, but with much gratification, to second the Resolution. Hon. Members would recognize the importance of the question before the House, and would bear with him while he appealed for aid to assist that higher education which the Welsh people had long and anxiously looked for, and which they had a right to expect. As a native of Wales, he rejoiced that the question had been brought before the House, where the claims of the Welsh people were but seldom heard. In other methods they had urged their claims on the Government for increased educational facilities; but they had been left behind other countries, and keenly felt the isolation in which they were placed. It was urged that Wales was so much a part of England that it did not need special educational facilities; but the argument was a false one. Scotland had four flourishing Universities under the fostering care of the Government. The students at Edinburgh University outnumbered those at all the Colleges of Oxford,

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while at St. Andrews, Aberdeen, and Glasgow the Scottish youth, availing themselves of the high-class education at their own doors, achieved distinction in literature, science, and commerce, which was at once creditable to themselves and shed a lustre on the character and institutions of the country. The same might be said of Ireland. Why should they deny the like opportunities to Wales? Dr. Chalmers attributed the intellectual superiority of his countrymen to three causes—the appropriation of the Church endowments to a clergy exclusively national, the parish schools extended throughout the whole country, and the national Colleges. Many of what might have been the educational endowments of Wales were alienated for the support of distant monasteries in England, and the injustice was continued after the Reformation. Christ Church, Oxford, was in receipt of £14,000 a-year, derived from parishes in North Wales, chiefly in Montgomeryshire; and South Wales suffered still more lamentably. The introduction into Wales of clergymen ignorant of its language had largely aggravated the evils arising from the alienation of its resources. The time was passed when such wrongs could be committed, and statesmen of both parties had exhibited a desire to do justice to the country. Inasmuch as endowments had been taken from Wales wrongfully in the past, it might fairly claim some help to repair the injury it had suffered. He asked them to give to Wales something less than their due proportion, but something that would put them on a footing approaching that of the rest of the Kingdom. Their claim was one that could not be resisted. Wales had suffered inequality of treatment in the past, and the result was that she suffered from inadequate resources now. A remarkable pamphlet, recently issued from Jesus College, Oxford, showed that the secondary schools of Wales were poorly endowed as compared with those of England, having, in proportion to population, only about one-third of the endowment. Notwithstanding this, he would not admit that Wales had been intellectually barren, but claimed that, under great disadvantages, Welshmen had done wonders in providing religious ministrations and promoting the social and moral welfare of the people. "In

their need they forged the weapons of self-help." But poverty had produced its natural effect in reducing the number of students seeking higher education, which was 33 per 1,000,000 in Wales, for 158 in England. The unanimity of the Welsh Members on this subject was a proof of the feeling of the country. They only wanted fair play; and their righteous demands ought not to be set aside by pleas of delay or of the necessity of taking a new departure. Their wrongs had been exceptional, and they claimed exceptional remedies. They did not ask for millions, like the Irish, or for tens of thousands, as were given to Scotland, nor even for their due share in proportion to their numbers or their contributions to the Exchequer; they only asked for a modest aid to enable them to provide encouragement to their young men, who, with equal intelligence, had not equal advantages with the young men of the other portions of the Kingdom. The working classes, the farmers, the tradesmen, and even the women of Wales had contributed many thousands to the College at Aberystwith, and great efforts had been made to revive grammar schools; but they had been crippled by want of resources, and they now appealed to the Government for that help without which their efforts must fail in producing the desired results. A revision of the existing school endowments might, to some extent, forward their objects; and the scheme for the administration of Jesus College, Oxford, now under consideration, might prove one that would increase the usefulness of that College, and advance the higher education of the Welsh people. It would be asked what plan they had to urge? He did not wish to advocate any specific plan—many men had many minds; and all he could say was that there was a growing necessity that something should be done, which necessity was recognized on all sides. Ireland put forward her claims, and Wales, which had for a long time been placed in a state of educational destitution, had an equal right to urge hers. It had been said, over and over again, that Wales was as much an independent part of the country as any other portion of the British Islands, and her wants had been generally admitted. At all events, they could not wipe out the distinct nationality; and he considered that the

Welsh people, under all the circumstances, had deserved well of this House.

Motion made, and Question proposed,

"That, in the opinion of this House, it is the duty of the Government to consider the best means of assisting any local effort which may be made for supplying the deficiency of higher Education in Wales."—(*Mr. Hussey Vivian.*)

MR. HANBURY-TRACY, in supporting the Motion, controverted the argument that those who desired aid from the Government in this matter were really striving to keep up Welsh exclusiveness and antagonism to English influence. Their aim, if attained, would have a contrary effect. He believed that the presence of University Professors in Wales would add very much to the independence of the Welsh people. It had been said that the great want was an improved system of secondary and grammar schools. There was, no doubt, much truth in this contention; but this Resolution was designed to benefit those who were beyond the age of school discipline. There was a feeling which prevailed among many people in Wales, that they had been robbed in former days of much money that should have gone for the purposes of education, and, no doubt, that was a grievance that had some reality. He appealed to the Government to consider this question seriously. The claim now put forward was based, he believed, on the united wish of the Welsh people, the justice of whose cause was only equalled by the moderation of their demands.

VISCOUNT EMLYN said, that what was asked of the Government was that they should consider the best means of assisting local efforts to supply the deficiency of education in Wales, and he hoped they would see their way to granting so moderate a request. He would, however, suggest a modification in the form of the Resolution. That part of it which referred to local efforts might, with advantage, be extended. As it stood at present, it only urged the Government to follow in the wake of local efforts; but this restriction was unnecessary. It would be better to leave the Government open to go further. What he was anxious to see was a full, searching inquiry, conducted by Commission or otherwise, into the position of Wales as regarded higher education; and he should not wish either that

any limit should be placed on the extent of the inquiry, or that the Government should be committed to any particular scheme. It would not be wise to fetter the Government in any way. Hon. Members might say that all they wanted was a grant for Aberystwith College; but he doubted whether that would really advance the interests of higher education. It was not the only College that required consideration, as there were also Lampeter College, Christ's College, Brecon, and the Grammar Schools and Nonconformist Colleges, all of which had to be regarded before any adequate scheme could be formed. He wished to move, as an Amendment, to leave out the words "assisting any local efforts which may be made," believing that his hon. Friend would, if he accepted that Amendment, gain all he sought without hampering the inquiry in a needless or even a mischievous manner. They asked the Government to make the admission that Wales had a claim on the public purse. They might be told, perhaps, that the Principality was rather a small place, or that it would be better for its young men to go to English Universities. Of course, Wales was a small country, but it was not like any English county. Its language at once placed it on a different footing, and made it as distinct from England as Scotland or Ireland. That being so, the same arguments that gave Scotland and Ireland grants from the public purse ought to obtain similar advantages for Wales. As for the other objection, he would remark that the higher education of the English Universities was mainly a matter of pounds, shillings, and pence, and that those who could afford to do so would always go to them. That, however, was not possible for all, and it was on behalf of the less wealthy class that he was pleading that day. It might be said—"You come to the Government for a money grant; where is your scheme?" To that he would answer that he believed it would be impossible to draw up a scheme that would be acceptable to all concerned without holding a full inquiry. The ground, he had pointed out, was already occupied. Great care would be needed to deal gently with, and to utilize as far as possible, all existing institutions; and he did not think any inquiry would be of sufficient weight unless it were in-

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stituted by the Government of the day. He believed that if such aid as they sought were given, after careful inquiry and due consideration, for all existing Colleges and schools, a scheme might be drawn up which would utilize and consolidate those institutions which already existed, widen their sphere of usefulness, and confer a lasting benefit upon the people of Wales. He moved the omission from the Resolution of the words "of assisting any local efforts which may be made."

Amendment proposed, to leave out the words "assisting any local effort which may be made for."—(*Viscount Emlyn.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. GLADSTONE said, he thought that by this time Her Majesty's Government would have perceived that, in the first place, this was a subject wholly detached from all considerations of Party; and, in the second place, that the substance of the Motion, which had been brought forward with so much pains and so much ability by his hon. Friend, commanded the approval and warm support of all those who were, in a Parliamentary sense, Welsh Members of the House. The noble Lord who had just addressed the House had moved an Amendment to the Motion before the House; but the House would not fail to observe that it had unlimited scope. His hon. Friend had made a limited demand; but the noble Lord proposed to remove that limit, and to make the demand of a large character. He must say he did not prefer the Amendment to the Motion, and for this reason—he thought it was not well that they should throw a large and exclusive responsibility upon the Government in this matter. The noble Lord stated that he considered local effort a condition not merely useful and not merely desirable, but absolutely necessary in the matter. If local effort was not quite indispensable, he confessed he did not see any objection to their specifying it. The Amendment of the noble Lord did not exclude local effort; and if the Amendment were more agreeable to Her Majesty's Government than the Motion, he did not think the Mover of the Motion would present any serious opposition to the enlargement. His

object in rising was to bear what might be considered in some respects an impartial testimony on behalf of the movement. Geographically speaking, he lived within the limits of Wales; but he resided in a parish of 8,000 persons, where no Welsh was spoken except by those who had migrated to the parish within the last few years. The associations of the parish were quite as English as Welsh; and the witness he wished to bear was really witness not founded at all upon what affected his own immediate neighbourhood in any sense or degree. He wished to commend this subject to the careful attention of Her Majesty's Government. It was very rare for the people of Wales or their Representatives to urge any local claims whatever upon the attention of the Government or of Parliament. In this vast Empire those who were acquainted with it, mainly through the medium of Parliamentary discussions and reports, might almost suppose that such a country as Wales did not exist; that it was merely a geographical expression describing so many square miles without any distinctive features, without any history, or literature, or traditions. Such had been the patience of the people of Wales. He did not hesitate to say that while that patience was greatly to be commended, it had been pushed to extremes. The Welsh people would have been more justified in making endeavours, through their Representatives, long ago to convey to the mind of Parliament an idea that they had some distinctive and special claims to which no recognition had yet been given, but to which it was high time some recognition should be afforded. Let them just consider how the matter stood. The noble Lord had most fairly and justly compared the case of Wales with that of Scotland and Ireland, and distinctions undoubtedly might be drawn. They might say that Scotland had had for a great length of time an entirely independent existence as a separate Kingdom, and had had what was justly called, in a political sense, and as regarded Scotland, an Imperial, that was to say, a Sovereign, and independent Crown. The case of Wales could hardly, perhaps, be considered as standing in the same category, because Wales passed at once from a state of comparative political disorganization to a state of subordination to England; but

there was this to be said—that in many respects Wales, if it had less of a distinctive, historical, and political existence than Scotland, it had even a more marked nationality. That was a fact which could not be too strongly impressed upon the minds of hon. Gentlemen. Take the significant and almost infallible test of language. There was in Wales a population of something like 1,500,000; there was in Scotland a population of 3,500,000; and in Ireland a population of 5,500,000. In Scotland and Ireland there were 9,000,000 people; but amongst the 1,500,000 of the inhabitants of Wales there were a larger number of human beings who loved and clung to and who spoke their national tongue than there were among the 9,000,000 of Scotland and Ireland; and that was not owing to Parliamentary encouragement. Nothing Welsh had had Parliamentary encouragement since the Revolution of 1688. During the Tudor and Stuart reigns Wales received not only equitable but liberal treatment. Unfortunately, however, after that period there was in the *entourage* of the Throne, and in the Throne itself, an idea that by proscribing the language of the people Wales would be more loyal and one with England. The consequence was that the Welsh language was not only negatively but entirely and cruelly ignored at the hands of Parliament, and it was most cruelly treated through the medium of its religious institutions. The hon. Member (Mr. Puleston), who seconded the Motion, spoke of the great advantage the people of Scotland had enjoyed in having her Church identified with the people. No doubt, that was an immense advantage. If they were to go back two or three centuries, there could be no question that, apart from all questions of establishment or disestablishment, the National Church, whatever else it was, was a vehicle by means of which the national and political life of the country was brought forward. The National Church in Scotland was of immense service to the people in fostering the national intelligence, and there was no reason why that should not have been the case in Wales. It was the same in Wales until the proscription of the Welsh tongue was established. A remarkable circumstance about Wales was that its religious condition 200 years ago was totally different from what it was now. They all

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knew that the Welsh were a nation of Non-conformists, for the Churchmen formed only a small percentage of the population. Two hundred years ago the Welsh were strictly a nation of Churchmen. The old Puritanism, which was so powerful in many parts of England, took no root whatever in Wales. It seemed good to the authorities, partly after the Revolution, and partly after the succession of the House of Hanover, to appoint English Bishops to every See. These Bishops introduced men of their own nationality; indeed, there was not a deanery or a canonry, and a living which offered a distinct existence, that was not given to an Englishman. The dregs, consequently, were left to the people of Wales. The people of Wales were driven out of connection with that great national institution which, in time, would have afforded means for the cultivation of the national intelligence, so that Parliament and the British Government had not only done nothing for Wales, they had not only withheld from Wales the aid that had been given, especially during the present century, to Scotland and Ireland, with more or less liberality, according to the views they maintained, but they positively drove the people of Wales out of the enjoyment of the only institution which offered any means of fostering and educating the national mind. Now, he contended that the position of Wales, the history of Wales, and the state of Wales, invested it with a claim which could not be much longer overlooked. His hon. Friend who made this Motion had shown that the people of Wales did not find their way into the enjoyment of higher education in the same proportion as the people of any other portion of the United Kingdom. That was not their own fault. Undoubtedly, they had shown quite as great a disposition to profit by the advantages of education whenever they had access to it, as had been shown by the people of Scotland itself. The Welsh cherished amongst themselves a literature of their own, institutions of their own, for keeping alive their national traditions; and the warmth of feeling which they entertained on those subjects, the affectionate manner in which they clung to those recollections, must command them respect. There were some who argued that the Welsh language was a misfortune to the Welsh, and that

the sooner it was got rid of the better. He hesitated to subscribe to that doctrine. It was not the abstract question they had to consider as to whether an absolute unity of tongue was desirable. Where they had a large population warmly and closely attached to its tongue, and where that tongue was an emblem of the traditions they had received from their fathers, that attachment was one which ought to be respected, and any measure introduced under the supposition that they ought to be weaned from the use of their language ought to be deprecated. He agreed with the noble Lord that the full accomplishment of the object in view would not prevent the access of Welshmen to English Universities. On the contrary, he was persuaded that the establishment of a higher education in Wales would result in bringing a larger number of students to the English Universities; but it was not the less true that the operation of Jesus College, Oxford, had, down to this time, been in the main to bring from Wales a certain number of selected youth who were placed in English associations, and were thus weaned from their language. It had done nothing for Wales as Wales. The claim of Wales was very strong. The hon. Member for Merthyr (Mr. Richard) published in the newspaper some time since a number of most interesting letters, which put before the world the intense desire of the people of Wales for the advantages of education and literature, and the disadvantages under which they laboured, and the total and absolute want of that assistance which was given to others. That, on the whole, made so strong a case for Wales that he could hardly conceive any one questioning it. He did not know what might be the intention of Her Majesty's Government on the subject; but it was quite evident that no instant measure was asked for. It would be very difficult perhaps to decide, without much inquiry and consideration, what were the precise steps that ought to be taken. It would be a great misfortune, he thought, if this Motion said one thing and meant another. To the founders of his College great praise was due; but he thought it would be a great injustice to the subject, and even to the founders of this College, meritorious as they were, if it were supposed that an exclusive regard to its interests was the object of

this Motion, or that the Motion was intended to prejudge the case of any other College. The present College had had to struggle with great difficulties; therefore, he would simply say that he earnestly commended the Motion to a favourable and impartial consideration. Nothing was more alien to his usual habits than to press upon a Government an addition to the public charge. It was only here where there was a state of things so thoroughly inequitable that induced him to think that Government would be discharging a public duty were they to recognize the reasonableness of the grounds upon which the Motion was founded. Nobody acquainted with the native intelligence of the Welsh people, with their disposition to obey the law, with the comparative absence of crime among the people—violent crime, he believed, was almost unknown—but must admit that all the features in the condition of the country were of the most encouraging character. The void to be filled was a void which simple justice called on them to endeavour to supply. No prejudice of Party or religious distinction could possibly obstruct the consideration of the question. There was no intention, as far as he was aware, to establish any distinction on behalf of the Colleges of Wales, as compared with Colleges in any other portion of the country; and he could not but cherish the hope that, before the discussion closed, Her Majesty's Government would, without giving any pledge so stringent as to unduly fetter their future liberty, in some shape or other recognize the fairness of the claim made, and would encourage his hon. Friend and others, whose knowledge might be available in the prosecution of the subject, to persevere with their intentions, in the hope that those intentions might ere long take effect in the removal of inequalities which now existed, and that a measure might be adopted which, he felt satisfied, would bear fruit a hundred-fold.

MR. B. WILLIAMS admitted that the denominational Colleges in Wales were doing a great deal of good, but reminded the House that the majority of the inhabitants of the Principality were Nonconformists, and that any educational institution designed to meet their requirements must be based on unsectarian principles, which would give no prerogative to one religious faith

over another. All hon. Members appeared to be agreed as to the necessity of some assistance being given for the promotion of high-class education in Wales. The speech of his hon. Friend the Mover of the Resolution before the House clearly showed what the position was which was taken up by the Welsh people on the subject; and he would ask the Government carefully to consider what was the object which it was sought to attain. The people of Wales had endeavoured to establish a free University College, and that was the sort of institution they wanted to maintain. They had got together between £50,000 and £60,000 for the establishment of that College, and they had hitherto kept it up by means of voluntary subscriptions, amounting to £3,000 a-year, as a sustentation fund. What they now required was a subsidy for that College at Aberystwith, which was free and open to all, which they had established by their own unaided efforts. They desired to see that College placed upon a safe and sure footing; and, speaking on their behalf, he must say that he felt greatly indebted to those right hon. Gentlemen who sat upon the Treasury Bench for the interest which their presence that evening in the House testified that they felt in the important subject of high-class education in Wales. He would repeat, that what the Welsh people really wanted was that the College of Aberystwith should be made a safe and permanent institution in which young men might receive a free unsectarian education. In making that request they were, he contended, asking for no more than had already been freely given to England, and Scotland, and Ireland; for he begged the House to bear in mind that Wales was the only nation in the United Kingdom which had never had any aid or consideration extended to it in the matter of high-class education. Men in the position of Dissenters in Wales were obliged to send their sons to the Universities of Germany or Scotland to receive that instruction which the Government denied them the means of obtaining at home. When the question of his own education was being considered by his family, it was found that, being a Nonconformist, he could not go to the University of Oxford or Cambridge. He was, therefore, sent to Glasgow—and he was now

glad that he went there—where he received that education which he could not get in his own country. And why, he should like to know, should Wales have no consideration extended to her in the matter? She had always been faithful to England throughout all her difficulties and dangers. The Welsh people had fought side by side with England, and had always shown that they were desirous of being sharers in the glory, and of casting in their lot with the destiny of the English nation. Lately a portion of the inhabitants of Wales had passed through a great crisis in Glamorganshire. Thousands of the working classes there had been thrown out of employment; but they had borne their difficulties and privations in silence. They never murmured, or caused the Government a moment's anxiety by their conduct, because they were loyal and true, and prepared to wait peaceably to have their case considered. There were, he might add, no people in the Kingdom who had a greater thirst for knowledge than the Welsh, or who were more anxious to learn and to advance themselves in the world. When young Welshmen had the opportunity afforded them of competing with others in the Universities of Europe or America, they had always held their own; and all that they now asked the House of Commons to do was to aid them in maintaining the modest institution which, as he had already stated, had been established by means of voluntary contributions, and which was specially adapted to the circumstances of Wales. The Welsh people had no wish to perpetuate dissensions between nationalities; and, in his opinion, the sooner all historic distinctions drawn between the various parts of the Kingdom were abolished the better. There were, at the same time, certain peculiar circumstances connected with the nationality of Wales of which the Government ought not entirely to lose sight. They had to deal with a case in which the inhabitants of the locality had established for themselves an unsectarian institution; and it was but right, he thought, that they should not refuse to listen to the appeal which was made to them to place that institution on a permanent basis, and thus to provide the means by which those young men who might wish to do so might obtain a high-class education without being

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driven to the necessity of seeking it elsewhere.

LORD GEORGE HAMILTON said, he had listened with great attention to the exhaustive speech in which the hon. Member for Glamorganshire (Mr. Hussey Vivian) had introduced the subject to the notice of the House, but that he had failed to learn from that speech what the real meaning was of the Resolution which the hon. Gentleman had submitted to the notice of the House. Several other hon. Members, representing Welsh constituencies, had also spoken in the course of the discussion; but the interpretation which they had, for the most part, put upon the Resolution only tended to render its meaning even more doubtful than it was before. The hon. Member for Montgomery Boroughs (Mr. Hanbury-Tracy), speaking on behalf of the Welsh people, said they wanted a University; and his noble Friend the Member for Carmarthen (Viscount Emlyn), to whose speech great attention was paid by hon. Members sitting in every part of the House, said that money, and not a University, was that which was required by those who supported the Resolution. The right hon. Gentleman the Member for Greenwich, who followed his noble Friend, spoke with caution; but stated it to be his opinion that the question raised by the Motion could no longer be overlooked, although he admitted that it was one with which it was exceedingly difficult to deal, and went on to point out that it might be desirable that an inquiry should be instituted into the subject before any further steps with regard to it were taken. So great a divergency of opinion tended to place the Government in a position of some embarrassment. But the speech of the hon. and learned Gentleman who had just sat down had put a clear, distinct, and unmistakable interpretation upon the Motion before the House. The hon. and learned Gentleman (Mr. B. Williams), speaking on behalf of a Welsh constituency, informed the House that what the Welsh people wanted was a subsidy for the College at Aberystwith. Now hon. Members knew exactly what the Resolution meant; and he could not help thinking, when he first saw it on the Notice Paper, and when he listened to the speech of the hon. Gentleman who moved it, that its real meaning was that

which the hon. and learned Member (Mr. B. Williams) had explained it to be. He was all the more inclined to take that view because, on two previous occasions, an appeal had been made to the Government on behalf of this particular College. In 1875 an appeal was made on its behalf by Lord Aberdare; and in 1877 a very large and influential deputation, composed of leading Welshmen, waited upon his noble Friend the Duke of Richmond and laid before him a definite proposal, which was to the effect that the Treasury should make a grant of £5,000 to increase the funds of the College, and that they should place on the Estimates a further sum of £2,500 each year to be devoted to its maintenance. He would also point out that the hon. Gentleman who introduced the Motion spoke not only of higher-class but also of intermediate education—in some respects making an ambiguous, but in others an unmistakable appeal to Her Majesty's Government to aid intermediate education in Wales by a grant from the Consolidated Fund. Well, he did not mean to contend that, because of the difference of opinion which had been expressed on the subject, Her Majesty's Government ought not on that account to consider it. The hon. Member (Mr. Hussey Vivian) had shown that there was a strong opinion in Wales, which was not confined to a particular class, as to the deficiency of higher education in the Principality, and that it might be well that Her Majesty's Government should do something to supply that deficiency. Now, great stress had been laid on the nationality of Wales; and he did not deny that the hon. Member had given them statistical facts which showed that the Welsh, so far as their nationality was concerned, were quite distinct from their fellow-subjects in other parts of the United Kingdom. But he could not help thinking that the plea of nationality was not the foundation on which the Motion was based; and he was confirmed in that opinion by what had fallen from more than one speaker in the course of the debate. It was, no doubt, a very agreeable argument to put forward that one spoke on behalf of a people whose language no one could understand—[*A laugh*]*—he meant no Englishman could understand—a people who were justly proud of their traditions, and were, in consequence of natural tradi-*

tions, desirous that a national University should be established among them. It was, however, a singular fact that every hon. Member who spoke had been educated at a University, although there was no University in Wales. It was admitted that those who were in a position to do so would still send their sons to Oxford and Cambridge; and the hon. and learned Member who had just spoken had said that he was in favour of degrees being continued to be conferred on all educated young Welshmen, who were able to bear the expense, by the University of London. What, then, became of the plea of nationality? The real ground on which the Resolution was based was that Wales was a poor country, and that the few endowments which she possessed were devoted to sectarian education; but, assuming that the force of that was admitted, was it a sufficient reason, he would ask, for agreeing to the Resolution—of drawing upon the Consolidated Fund? Let him suppose that Cornwall could establish a separate nationality, and that she set up a similar plea—what would be said in that case? The question was, where were they to stop? If they allowed the soundness of the argument urged in support of the validity of the plea, he could not see how they could prevent its being almost universally expanded. In dealing with the Resolution, therefore, the House would do well, in his opinion, to regard it as not being applicable simply to Wales, but to the case of secondary education in England also; because, although assistance had undoubtedly been given to the Universities of Scotland, and recently to certain Colleges in Ireland, he was, he believed, correct in saying it had never been our policy to give such assistance for the promotion of secondary or University education in England. He was merely stating objections to the Resolution which at once occurred to him, and they were, he was sure, objections which would be appreciated by every person who had studied the difficult position in which University education stood in other parts of Her Majesty's dominions, and who would, he thought, agree with him that the House ought not by a side-wind to pass a Resolution which either meant nothing, or, if it meant anything, affirmed a principle which was capable of indefinite application. He was

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anxious, he might add, to place before the House certain facts which showed what was the actual condition of the University College in Wales. It appeared from *The Western News*, and other Welsh newspapers, that a very serious dispute was going on between the College and the Governing Body, and that the students were in rebellion and refused to be examined, while a serious disagreement existed between the Council and the Senate. The most influential of the local newspapers were, it appeared, taking different sides in this quarrel, which was every day assuming larger proportions. In these circumstances, it was clear that the Government should hesitate before making grants from the public Exchequer to such a College, because the money might possibly be expended, not upon education but upon litigation. But these were not the only objections to which the Resolution was open. No doubt a great desire existed in Wales, as it did in England, to obtain University degrees; and why? Because a degree was a mark of merit. But there was always the danger that, in proportion as the number of Universities in a country were increased, the value of a degree would be diminished. The Resolution, too, sought to pledge the House to assist local efforts, not now being made, but which might be made at some future time; and it was, he believed, almost the invariable rule, that when Government gave grants in aid of local efforts they should know exactly how the money was to be expended, and what the local efforts were which they were asked to assist. But, in the present instance, it was proposed that the action of the Government should be immediate, while the local efforts were to be prospective; and the only result of passing the Resolution in its present shape would be that the House would be pledging itself to assist, by a grant of public money, some local efforts, no matter what they might be, which might hereafter be made. Another reason why, at the present moment, even with the utmost anxiety to supply any deficiency of that kind in Wales, they ought to hesitate was, that there was now before the Government a proposal to grant a Charter to a Northern University. The proposal which was made on behalf of Owens College, and various other Northern Colleges, was not that they should

receive any assistance from the public Exchequer, but simply that they should have a Charter for a University, with the power of conferring degrees. It seemed to him that the wants of North Wales would, to a certain extent, be met by the creation of such a University, for he believed that it would be quite as easy for students from North Wales to go to Manchester as to any other part of the country. A further reason why the House should hesitate to accept the Resolution was that the authorities of Jesus College were at present revising their statutes; and it was possible that they might make some proposal which would give greater facilities for the higher education of Welsh students than those which now existed. For these reasons he was afraid, therefore, that he could not, on the part of the Government, hold out any hope of their assenting to this Resolution as it now stood. It was true its terms were somewhat vague; but it was equally clear that its ardent supporters attached to it a meaning which could not be accepted by the Government. On the other hand, the House had had a most interesting discussion, and there was, undoubtedly, a great desire on the part of all the Welsh Members to supply the existing deficiency. He, therefore, suggested that it would be just as well to wait a little time before any definite proposal was made by those Members to the Government. Let them wait and see whether they could make a real success of the College established at Aberystwith; also how far the Northern University about to be created would meet the wants of Welsh students; what was the exact nature of the alterations to be made in the statutes of Jesus College; and whether the system of local examinations connected with the older Universities would do anything towards affording facilities for higher education in Wales. It would be possible, shortly, to obtain information on all these points; and he was prepared, on the part of the Government, to undertake that if, after that, it was found that something further ought to be done, an inquiry, such as had been suggested by the right hon. Member for Greenwich, should be made. But it was essential that there should first be a full inquiry into all the circumstances he had mentioned. He thought it was impossible for the House

to assent at this moment to an abstract Resolution such as the one before it; but if the hon. Gentleman who moved the Resolution decided to test the feeling of the House by a division, he should feel disposed, on behalf of the Government, to move the Previous Question, as he did not wish, admitting the deficiencies of higher education in Wales that did exist, to throw cold water on any sincere effort made for its improvement.

MR. OSBORNE MORGAN said, that the noble Lord had raked up some very sensational paragraphs from a local newspaper, descriptive of some very stormy proceedings which had occurred in the Senate of the Welsh College; but he could inform the noble Lord that those matters could be very satisfactorily explained. On behalf of the University College of Wales, he could assure the noble Lord that no Welsh Member would think of asking the Government to grant money for the purpose of a Welsh University, unaccompanied by conditions for its fullest inspection and control. He should not have troubled the House but for one observation of the noble Lord, who stated that it would be a very good thing if Welsh students could be induced to go to Oxford or Cambridge, at the former of which Universities they had a College of their own. He further stated, that every hon. Member from Wales who had addressed the House had been to an English University. But they were not taking the part of Gentlemen in the position of his hon. Friend the Member for Glamorgan, or the noble Lord opposite, who were able to afford to go to an English University, but they were speaking on behalf of the great body of Welshmen. As regarded the great majority of students in the Principality, they were just as well able to go to Salamanca or Padua as to the great English Universities. No doubt there was a Welsh College, more or less richly endowed, at Oxford; but there were two features in the University education given there which practically excluded the greater number of Welshmen from taking advantage of those benefits. Jesus College, Oxford, was still a denominational institution; for, although they had passed an Act of Parliament by which theological tests had been abolished, yet it was impossible to abolish the character or spirit of an institution by Act of Parliament;

and, like every other College at Oxford, except one—Jesus—it was, in every sense of the word, a Church of England institution. He did not say it was still necessary to subscribe the Articles of Religion; but at Jesus College all students were, as a rule, compelled to attend the Church of England services in the Chapel. One effect of the system would be seen from an extract in *The University Calendar*, which he would read. It stated that there were upon the books of Jesus College 94 members, exclusive of members upon the foundation, who had taken the degree of Master of Arts; no less than 72 out of that number, or nearly 80 per cent, were not only members of the Church of England, but actually clergymen of the Church of England; so that the clerical element at Jesus College stood to the lay element in the proportion of 4 to 1. But that was just the proportion which in Wales the Nonconformists bore to the members of the Church of England. How, then, could they expect any Nonconformist to go to that College, or their parents to send them there, if they could be sent to any other? There was, therefore, that feature in connection with Jesus College which made it impossible for the majority of Welshmen to take advantage of that College. But there was another objection to the Universities of Oxford and Cambridge, and that was that the age at which young men usually went there was 19 or 20. He wished to call attention to this very important point, for it concerned, in a material degree, the question, not only of Welsh University education, but of all University education. The chief educational problem of the future would be to provide education for those young men who were too old to be submitted to the discipline of a school, but who could not afford the time, nor the expense, which attached to the education they could receive at an English University. To these young men time was money; and they had to begin the business of life at the very time young men of fortune entered the Universities of Oxford or Cambridge. These were the young men for whom it was sought to provide by the proposed University College at Aberystwith; men who were provided for in Scotland by the Universities which existed there—which were, in fact, high schools. He thought the University College of Wales

was, therefore, entitled to the favourable consideration of the Government; because it was the only academical institution which could give to the people of Wales the University education which they wanted. Look at what had been done for Scotland. Parliament annually voted a sum of money, amounting to £20,000, to keep up the four Scotch Universities. He did not say that that sum was too much, nor did he begrudge it—in fact, he did not think that in the whole Budget they would find another £20,000 so well expended. But Wales had a population nearly half as large as that of Scotland, and was entitled to the same advantages which were given to it. Let them look, also, at Ireland. He would not take into account the magnificently endowed institutions of Trinity College, Dublin, the endowments of which belonged to history; but, within living memory, they had endowed a second University in Ireland with a lavish hand—with so lavish a hand, in fact, that he could state, on the authority of an hon. Gentleman, that at one of the Colleges in that University there were actually more scholarships than scholars. And Parliament was now asked to endow a third University in Ireland, and to appropriate £1,500,000 of public money for the purpose. At the risk of some unpopularity, and even misrepresentation, he had given a qualified support to that proposal, mainly because it came backed by the large majority of the Irish people. If he went into the subject, however, he was afraid he might draw upon his head a storm which would sweep him away, and he would, therefore, say no more about it. All he would say was that he thought it the duty of the State to meet the people half-way in a matter of this kind, and to encourage and foster those generous aspirations after a higher education which he believed to be amongst the healthiest and most hopeful signs of the times. The question of the University for Ireland had been treated by him as a purely Irish question; and he hoped that the question that they were debating that night would be considered by his Friends below the Gangway solely as a Welsh question. He was quite sure that everyone would feel grateful to his hon. Friend for having brought this matter forward; and especially would the natives of the Princi-

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pality be grateful to him, for there were no people in the whole of the United Kingdom—not even in Scotland—who were so deeply sensible of the value of higher education than the people of Wales. What could show their sense of the value of University education more than the history of this University College in Wales? It was established in 1872; and since that it had been supported, literally, by the pence of the poor—by sixpences and pence subscribed at the chapel doors in Wales—by scholarships founded by quarrymen, out of money earned by the sweat of their brow. He thought the people of Wales were entitled to some recognition from the State for what they had done in this matter. It might be very well for the noble Lord to talk about what had been done in Lancashire, and the establishment of a University there; but what comparison was there between the Lancashire cotton lords and the poor colliers and quarrymen of Wales? When the Wigan colliers were found clubbing together their weekly wages to found an exhibition for Owens College, then, and not till then, would he admit that there was any analogy between the two cases. There was no part of the United Kingdom which had suffered so much from the terrible depression the trade of the country was now undergoing as Wales. Nearly every day he received letters from men who, a few years ago, were in positions of comparative luxury, but who now did not know where to turn for the necessities of life. Was it wonderful that, under circumstances such as those, the subscriptions for a University College had fallen off? He feared that, unless some aid were forthcoming from the State, this University College of Wales, which was doing well a great and noble work, might fall to the ground altogether. And if that should happen, it would be a disgrace not only to Wales but to England also. They did not ask much from the Government—not more than they were in the habit of shooting away on a single morning over the heads of a couple of hundred Zulus. And, now, he would wish to make a bargain with the Chancellor of the Exchequer. They had heard a good deal about bargains with the Government on University questions lately; but the bargain he proposed should be a perfectly open one. The right hon. Gentleman the

Home Secretary knew very well that there was no part of Her Majesty's Dominions which gave less trouble than Wales; the Judges could tell them what little crime existed in Wales, and how, when they passed from England into Wales, it was like going from darkness into light. They had the criminal statistics of the country before them; and he challenged the right hon. Gentleman to say that there was any part of the United Kingdom which would compare with Wales in respect of its absence from crime. Why, they could not, in the whole six counties of North Wales, scrape together a sufficient number of prisoners to justify the holding of an autumn Assize. He would ask the right hon. Gentleman to give them back, in the shape of a University grant, one-fourth of what they saved him in prisons and police; and if he would do that, he thought that the bargain would be alike honourable and satisfactory, both to the Government and to the people of the Principality.

MR. MORGAN LLOYD said, that the noble Lord the Vice President of the Council had entirely mistaken the arguments used by various hon. Members who had spoken in support of the Motion. It had never been supposed by any hon. Member that this demand which was made upon the Government was made on account of the poverty of the Welsh people. They had not come there to present a Petition from the Welsh people *in forma pauperis*, nor to ask the Government to give a grant to the College of Aberystwith, because they were poor. Their demand was a simple one, and it was this—Wales had a right to be placed on the same footing with England, Scotland, and Ireland in regard to University education. They demanded that as of right, and if they were not entitled to it they would not ask for it. But they were entitled to it as of right. They said that, owing to its history, Wales had been under special disadvantages, which had been, in a great measure, owing to its connection with England, and its conquest by the English people at an early period of history. The English people destroyed the institutions which existed in Wales at a very early period. The celebrated University at Bangor-is-y-Coed, where, amongst other renowned men, Pelagius was brought up, was destroyed by the invaders. There were in South Wales other Universities

which had continued in existence for a much longer period than the one he had mentioned. Those institutions were destroyed in consequence of the turbulent times following the invasion of the country by England; and, ever since, the Welsh had never had an opportunity of placing themselves on the footing of other nationalities in respect of University education. In the time of Elizabeth, when there was an effort made to benefit the Welsh people, instead of establishing a College in Wales a Welsh College was founded at Oxford. At the same time that the Welsh College was established at Oxford, Trinity College was founded at Dublin for the benefit of the people of Ireland. If the same course had been adopted as was taken with regard to Ireland, in all probability the Welsh people would not then have been under the necessity of coming forward and making the claim which they now did. On behalf of Wales, they put their demand forward as a matter of right; because they said that Wales had the same right as England, and Scotland, and Ireland to University education, and was entitled to the same grants which those two Kingdoms received. The noble Lord had commented upon divergences which he said existed between the demands put forward by hon. Members; but he would tell him that there was no real difference in the requests put forward by hon. Members. They all agreed that it would be desirable for the Government to make a grant to the College at Aberystwith—they all agreed that it would be very desirable, indeed, if the Government would take up the whole subject of higher education in Wales. But if they would simply make a grant to the College of Aberystwith, they would do as much as could be expected, and would show some consideration for the benefit of the Welsh people. In those demands they were all agreed; and the only difficulty that existed was that his hon. Friend the Member for Carmarthen had brought the latter more prominently forward than anybody else did. The noble Lord had taken pains to expose the present position of the College, and had endeavoured to show, by a number of extracts from local newspapers—papers which were destitute of influence in the Principality, and made themselves ridiculous by the views which

they took, and were exceedingly glad to find any opportunity of raising a little storm in order to increase their circulation—that the Council of the College of Aberystwith was by no means united in itself. No doubt there had been some disagreement between the Council and the Senate of the College. But that was a disagreement which was produced by a misunderstanding; and he was happy to be able to inform the noble Lord and the House that this disagreement had been altogether settled. The Council and the Senate of the College at Aberystwith had explained matters to each other, and no further controversy really existed between the two bodies. The noble Lord had gone on to say that it would be a pity that the House should be obliged to negative this Motion, and hold out vague promises as to what he might do in certain improbable events. He said the Government could not be expected to sanction a grant to this College until it proved itself to be a success; but if, after it had been fully established, the people of Wales wanted help, Her Majesty's Government might be disposed to consider the matter. The answer to that was obvious. If they waited till the College was a financial success, they would not have very much to thank Her Majesty's Government or the House of Commons for. If it were a success, and when it was a success, they would not want any further help from any quarter. And as to the University to be established in the North of England, they would have to wait a very long time to see if it would be of any use. The people of North Wales might possibly find some benefit from that institution; but with regard to the greater part of the country, he could not see that this Northern University would be of any use to them. All the Government said really was, "Wait a few years." They were to wait until certain events had taken place before Her Majesty's Government would decide whether or not they should have the grant which they asked for. He would ask the noble Lord if he would undertake that his Party would be then in power? Such promises meant nothing; and he would ask Her Majesty's Government to state straightforwardly what they meant to do. If they did not mean to give this grant, let them negative the Motion; and if they did not care to do that, let them

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make some more distinct promise than saying that when something which might never happen had taken place, the matter would be considered. He hoped that his hon. Friend the Member for Glamorgan would go to a division upon his Motion, in order that they might see who were their friends and who were their foes. If Her Majesty's Government absolutely refused what was now asked, then they would understand who were their friends, and would wait for better times, and for an opportunity of bringing the matter forward again.

MR. A. GATHORNE HARDY rose for the purpose of correcting an observation of the hon. and learned Member for Denbigh (Mr. Osborne Morgan), who had asserted that Nonconformists at Jesus College, Oxford, were obliged to attend at the chapel. Having been at that College at a later period than the hon. and learned Member, he could assure him that no such thing now existed, and that no Nonconformist was obliged to attend the chapel.

MR. HUSSEY VIVIAN thought that the remarks he had made in bringing forward this Motion were of a very specific character. He desired to urge, in the strongest possible manner, upon Her Majesty's Government the absolute necessity of immediately entering upon the consideration of this very important subject of University education in Wales. Therefore, so far as the Amendment which had been proposed was concerned, he begged to say that he should be happy to accept it. But, after the speech of the noble Lord the Vice President of the Council, he feared that there was no course open for him but to take a division upon his Motion. He regretted that there was so much bitterness in the speech of the noble Lord, and so very little to encourage their hopes and aspirations. He was in hopes that this question had really and sincerely engaged the attention of Her Majesty's Government; but, after the statement he had heard from the noble Lord, he did not feel that he should be justified in doing otherwise than dividing, unless the right hon. Gentleman the Chancellor of the Exchequer could put matters in a different position from what the noble Lord left them. He could assure the Government that they were thoroughly in earnest about this matter, and they did not intend to be put off, for they had

already shown sufficient patience. For several years this matter had been pressed upon the consideration of Her Majesty's Government; and the position in which the noble Lord had placed it was such that there could be very little hope indeed that this matter would be taken up by Her Majesty's Government, or that they could get their righteous and reasonable claims recognized within any reasonable time. The noble Lord had suggested that they should first of all make the College at Aberystwith a complete success. Well, but they had not the funds—they had not the means to do so. They had been struggling to do their best; but to say that the College must be made a complete success before the Government would consider whether they would assist them or not was absolutely ridiculous. He did not urge the claims of the College at Aberystwith in particular—he had only suggested that it would form a very safe basis to proceed upon; but he advisedly made his observations as broad as he could, and only presented the claims of higher education in Wales generally. He had only urged that the same should be done for Wales as had been done for Scotland and Ireland. In 1845 Sir Robert Peel brought in a well-considered measure establishing three Queen's Colleges in Ireland; and what they asked was that Her Majesty's Government should take the just claims of Wales into consideration in a similar manner. The noble Lord had admitted that there was a most distinct nationality attaching to the Principality of Wales; but he said that that was not their real reason for bringing this matter forward. What right had the noble Lord to make such a statement as that? It was one of his main reasons for bringing this Motion forward; and he thought it was not the proper way to meet this case for a Member of the Government to resist the Motion, on the ground that it was not being made on account of the distinct nationality of the Principality of Wales. They could not allow themselves to be put off with the statement that, in the judgment of the Vice President of the Council, the distinct nationality of Wales was not the real point upon which they based their case. The noble Lord said, if it was owing to the poverty of the country that the people of Wales had not been able to avail themselves of the educational

facilities afforded in England, the same might be said of any English county or district, and that there was nothing to prevent anybody in Wales from taking advantage of those educational facilities. The fact was not as the noble Lord had stated; for Wales had not been able, chiefly owing to its special nationality separating it from the rest of England, to avail itself of the educational facilities afforded in England. Why should they attempt to force Welshmen to quit their country to obtain University education in England? A high authority on these matters had said they should not take the people to the teaching, but they should bring the teaching to the people. It was on that ground they wished this matter to be considered. They came to the House to assert their special claims to consideration, just as hon. Members who represented Ireland and Scotland did; and they simply asked for the rights which they had never denied to those hon. Members. He begged to say that if they were to be met in the manner they had in urging their reasons upon the Government—if, when they had been pressing this matter for some years, they were met in the houghty-toighty kind of way in which the noble Lord had met them—how could they expect them to do otherwise than to continue to push this matter forward in every legitimate way? He could not allow this matter to rest there—they must either receive some definite assurance that the Government would take this matter into its early consideration, or else they must divide upon the Motion, however much they might be beaten.

THE CHANCELLOR OF THE EXCHEQUER said, as his hon. Friend the Member for Glamorgan had appealed to him, he was quite willing to tell the House what occurred to him upon this question. He wished, in the first place, to disclaim, on behalf of his noble Friend the Vice President of the Council, the imputation that had been cast upon him—that he had spoken with anything that deserved to be called bitterness on this occasion. It did not appear either to himself or to anyone sitting near him that there was any tinge of bitterness in what his noble Friend had said. He was sure that, however much the observation might apply to others, it certainly did not apply

to his noble Friend. With regard to this matter, he might say that the Government were really in a position of some embarrassment, and there was some little difficulty in ascertaining what was the exact request which was addressed to Her Majesty's Government. There could not be the least doubt that the Principality of Wales had as strong a claim to the consideration of any Government and of any Parliament as any other part of Her Majesty's Dominions. They were quite ready to admit that from whatever reason, whether in consequence of, or in spite of, having no University facilities, there was no part of Her Majesty's Dominions which contained a more loyal and peaceable people than the Principality of Wales. Most certainly there could be no other feeling than that of kindness towards the inhabitants of the Principality in the minds of their English brethren. But what was it exactly they were asked to do? So far as he remembered, they had never had a discussion of this character in the House of Commons before. The hon. Member for Carmarthen said that for the last 25 years this question had been raised. But, if so, the matter must have been represented at different times to different Governments. He did remember that his noble Friend (Lord Powis) addressed a question to the Government of his right hon. Friend the Member for Greenwich, and received a rather short answer, as to whether it was the intention of Her Majesty's Government to do anything towards the advancement of higher education in Wales? He forgot what the Question precisely was; but it certainly showed that a matter, which appeared to have been simmering for 25 years, could not be injured by a little delay. It was now brought forward at a time when it caused some difficulty, for very different proposals were made on behalf of the Principality. His first impression, on seeing the Notice of Motion, was that the Government was to be asked for the establishment of a Welsh University; but, after what had passed in that debate, he imagined the object the hon. Member had in view was not so much the establishment of a separate University, but to enable the inhabitants of Wales to take advantage, more fully than they did at present, of University education in other parts of

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the United Kingdom, and also to promote what was called intermediate education in the Principality. He had rather gathered that the object of the majority of hon. Members was to encourage and develop institutions like Aberystwith College, which would promote the higher education short of the curriculum of a University. It seemed to be the object to give such facilities for that kind of education which would afterwards enable a man to go to Oxford, or to one of the other Universities of the United Kingdom.

MR. HUSSEY VIVIAN did not wish that there should be any mistake as to their aspirations. They had simply pointed to a Welsh College, which they had established, as a specimen of what they would like. He should not like it to go forth, that if a Welshman had so studied as to entitle him to a degree he should not be able to obtain one in his own country, as Irishmen and Scotchmen were now able to do at their own Universities.

THE CHANCELLOR OF THE EXCHEQUER said, it was very undesirable unnecessarily to multiply Universities. He did not want to speak *ex-cathedra* upon the subject; but, at the same time, there ought to be a case very clearly made out to justify the establishment of a fresh University. With respect to the matter of higher education in Wales, the promotion of that was an object which they recognized as one that ought to be distinctly kept in view, and, so far as was possible and in the power of the Government, promoted. So far as any encouragement, which it was in the power of the Government to give, to the promotion of higher education in Wales, they would do it, for they thought that Wales had as just claims as any other part of the United Kingdom in the matter. But to pass a vague Resolution, such as that of the hon. Member—to put that on record would be most embarrassing, for they could not tell what it meant or what it did not mean. It might be capable of being construed as a pledge or a promise which the Government did not feel themselves at the present time justified in making. His right hon. Friend the Member for Greenwich had spoken in very appropriate language, which commanded their esteem, as to the just claims of Wales in this matter. He thought, however, that it would cause

some embarrassment, for this or for some future Government, if they accepted the Resolution. He hoped that they would be allowed to postpone giving any distinct opinion on the matter; and he should be extremely sorry if the object which the hon. Member for Beaumaris (Mr. Morgan Lloyd) seemed to have in view—namely, to go to a division—was carried out. It seemed that the hon. Member desired to take a vote, in order that he and his Friends might go about declaring that the Government were the enemies of Wales. He did not think that they would be able to satisfy the hon. Member for Beaumaris or those who shared his opinions; but the Government would certainly not accept the Resolution without considering whether there were any claims which could fairly be met, and whether anything could be done in the matter. Everything that had been said showed how desirable it was that time should be taken in order to see what could be done. Some reference had been made as to what was being done at Jesus College, Oxford. At present, they did not know what alterations of the rules would be made there. Then, with regard to Aberystwith, he did not think that his noble Friend the Vice President had gone the length of saying—“We will wait until Aberystwith is a complete success;” but rather that he had said—“We will wait until an end shall be made of the disputes which have recently taken place within it.” Upon this subject the Government had very little information. It would be well to know how this institution was working; and it would be well to have before them some definite proposal to which they could give their assent, and proceed in the matter with their eyes open. It was quite impossible for the Government to accept the Resolution in the form in which it had been brought forward, and hoped that the hon. Member would not force a Division.

MR. LYON PLAYFAIR said, that the Resolution which was put upon the Paper was perfectly clear and distinct. It was as follows:—

“That, in the opinion of this House, it is the duty of the Government to consider the best means of assisting any local effort which may be made for supplying the deficiency of higher Education in Wales.”

The demand was then made upon the

Government to consider the best means for assisting the efforts made by the people of Wales in the direction of higher education. He knew of no instance where such poor people as those of Wales, where quarrymen and colliers had subscribed for scholarships to send their sons to the Universities. Certainly, they had no instance of that kind in Scotland. So remarkable a thing had been done in this case, that he thought it ought to command the very serious attention of the Government. In the answer that had been given by his noble Friend, it was true he did not speak with bitterness—for he never did that—but he spoke with ridicule. No promise had been given by the right hon. Gentleman the Chancellor of the Exchequer. All he said was—"Allow the Government to consider, and postpone the matter until the alterations at Jesus College have been made. Let us wait until the Northern University is created." The request was, in fact, to postpone the matter for some indefinite time upon perfectly indefinite promises from the Government. He did not see what else his hon. Friend could do but take the sense of the House as to whether his proposal was to be rejected or affirmed; and, if rejected, to bring it forward again.

Question put, and *negatived*.

Main Question, as amended, put.

The House *divided*:—Ayes 54; Noes 105: Majority 51.—(Div. List, No. 142.)

ORDERS OF THE DAY.

SUPPLY OF DRINK ON CREDIT BILL.

[*Lords.*] [Bill 224.]

(*Mr. Serjeant Spinks.*)

SECOND READING.

Order for Second Reading read.

MR. SERJEANT SPINKS, in moving that the Bill be now read a second time, said, he should make his speech as short as possible. He might state that there had long been a disposition on the part of the Legislature to discourage the sale of spirituous liquors on credit in small quantities, for no less than five Acts had been passed with respect to that description of drinking. The main object of this

Bill was to consolidate the law upon that subject. It had also to be observed that the prohibitions with respect to sales upon credit of drink were different in the three Kingdoms. Another object of this Bill was, therefore, to make the law the same in all three countries; it was also the object of the Bill to extend the provisions of the Act to certain liquors not now subject to this law. The law, as it stood at present, might be shortly described as follows:—By an Act of 24 *Geo. II.* provision was made with regard to spirituous liquors, and that Act was amended by a Statute passed in the present Reign, and the effect of the two was that no action could be brought to recover the price of spirituous liquors sold of any less value than the amount of 20s., or any less quantity than a reputed quart, to be delivered at the purchaser's house. This Act applied to Scotland as well as to England; but its operation did not extend to Ireland. The Act that applied to Ireland was the 55th *Geo. III.* c. 104, by which it was provided that no action should be brought to recover the price of spirits sold on credit, unless the quantity sold amounted to two quarts, and that quantity was delivered at the purchaser's residence. By the Act of 1867, applicable to England alone, it was provided that no action should be brought to recover the price of beer supplied to be consumed on the premises, whatever the value or whatever the quantity. The Acts he had mentioned did not in any way apply to some other liquors which were provided for by the present Bill. This Bill provided that no action should be brought to recover the value of any spirits, wine, beer, cider, and other drinks, unless the quantity sold should amount in value to 20s., or in amount to a reputed quart, to be supplied at the purchaser's residence. There were also provisions in this Bill which were contained in some of the other Acts, and amongst them he might mention a proviso by which nothing was to be taken by way of pledge for drink sold. This provision was extended by the Bill to monies lent to be paid for drink and securities given for drink. There was also a provision contained in one of the former Acts relating to Ireland, which was not to be found in any English Bill, which prevented the paying of wages in a public house, and

Mr. Lyon Playfair

that provision was contained in the present Bill, and was made applicable to England and Scotland. He begged to move the second reading of the measure.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Serjeant Spinks.*)

Motion agreed to.

Bill read a second time, and committed for Thursday.

CHILDREN'S DANGEROUS PERFORMANCES BILL [*Lords*].—[BILL 229.]

(*Mr. Evelyn Ashley.*)

SECOND READING.

Order for Second Reading read.

MR. EVELYN ASHLEY, in moving that the Bill be now read a second time, said, he wished to say that it had passed through the House of Lords without a Division. The object of the Bill was to prevent any future exhibition or performance of a child under the age of 14 years, if, in the opinion of a Court of Summary Jurisdiction, such exhibition or performance was dangerous to the child's life or limb. It was a very small Bill, and was really only a slight instalment of what was required upon the subject.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Evelyn Ashley.*)

MR. ONSLOW said, that he had not had time to look into this Bill, and hoped that the second reading might be postponed. The Bill had not yet been delivered to hon. Members, and he thought the best way would be to put it down for to-morrow. He thought it was only right that hon. Members should have an opportunity of looking at the Bill before the second reading was moved.

MR. BENETT-STANFORD said, that this was not the first time that this Bill had been before the House, and he hoped that it might be allowed to go to a second reading, as the matters with which it dealt were of the utmost importance. The Bill was very small and very short, and he hoped that the hon. Member for Guildford would allow the second reading to be taken then, as the Bill had been well considered, and was well known to be of great importance in protecting young children.

MR. DILLWYN did not think that in any case they ought to allow a Bill to be read a second time which had not been delivered to hon. Members. In some cases great inconvenience had arisen from allowing that to be done. He thought it ought to be insisted that such a course was not to be allowed; and he should, therefore, join in the opposition to the second reading of the Bill on the present occasion. They ought not to go on with a Bill which they had not been able to see.

MR. ASSHETON CROSS said, that the Bill was very simple. He agreed in principle with his hon. Friend the Member for Swansea (Mr. Dillwyn) that it was not right that a Bill should be allowed to be read a second time before the House had had an opportunity of seeing it. This Bill had been in his hands some time, and he was not aware that there was any opposition to it. The proposition of the Bill was so very simple that he trusted on this occasion it might be allowed to be read a second time.

MR. ONSLOW said, that they were only contending for the principle that the Bill should be seen by hon. Members before it became law. That was the only objection he made.

SIR WILFRID LAWSON said, that, technically, hon. Members who objected to the Bill being read a second time were quite right; but it had been stated that the Bill was a very small one, and would raise no opposition. Anything which required amendment could be dealt with in Committee.

MR. COURTNEY said, that he had only had the Bill placed in his hands a few hours ago. He had looked it through, and he thought that it deserved their support; but his hon. Friend the Member for Swansea had laid down a sound principle that a Bill ought not to be read a second time if it had not been delivered to hon. Members. He wished to take that opportunity of calling attention to a transaction which seemed to call for some remark. After the Orders on the Paper were disposed of two or three nights since, the House had agreed to Amendments made by the other House in the Hares (Ireland) Bill, which Amendments were not put down amongst the Orders of the Day, and had not been circulated among hon. Members. He thought they were entitled to know what those Amendments were, and why

they were not printed and distributed to the Members of the House.

MAJOR O'GORMAN : The Amendments were merely verbal.

Motion agreed to.

Bill read a second time, and committed for Thursday.

CHARITY (EXPENSES AND ACCOUNTS)
(NO. 2) BILL.

Resolution [June 30] reported, and agreed to :—Bill ordered to be brought in by Mr. RAIKES, Sir HENRY SELWIN-IBBETSON, and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 230.]

NEW FOREST ACT (1877) AMENDMENT
BILL.

Order for Committee [9th July] read, and discharged :—Bill committed to a Select Committee of Five Members, Three to be nominated by the House, and Two by the Committee of Selection :—Power to send for persons, papers, and records; Three to be the quorum.—(Mr. Selater-Booth.)

And, on July 3, Committee nominated as follows :—Lord HENRY SCOTT, Mr. SHAW LEFEVRE, Mr. SELATER-BOOTH, and Two Members to be added by the Committee of Selection.

House adjourned at half
after One o'clock.

HOUSE OF COMMONS,

Wednesday, 2nd July, 1879.

MINUTES.]—PRIVATE BILL (by Order)—Considered as amended—East Indian Railway.

PUBLIC BILLS—Second Reading—Spirits in Bond [19]; Landlord and Tenant (Ireland) Act (1870) Amendment [41], debate adjourned. Third Reading—Inclosure Provisional Order (Whittington Common) * [207], and passed.

PRIVATE BUSINESS.

EAST INDIA RAILWAY BILL (by Order).

CONSIDERATION. ADJOURNED DEBATE.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into Consideration."

MR. CHILDERS said, that, at the close of the debate yesterday, he had

Mr. Courtney

asked a question, which he had addressed specially to the right hon. Gentleman the Chancellor of the Exchequer, as his hon. Friend the Under Secretary of State for India (Mr. E. Stanhope) was not able to speak again; and it was suggested that he should repeat the question on the following day. He thought the question he had put was an important one; and, therefore, he proposed, on the present occasion, to put it a little more fully than on the preceding day. In a few words, the question was this. The agreement that had been made between the Secretary of State for India in Council and the East Indian Railway Company was not, as the House had been informed, an agreement made under the original contract, but an agreement *Faimable*, or, as the right hon. Gentleman the Member for the City of London (Mr. Hubbard) had phrased it, an amiable agreement by which the holders of stock in the East Indian Railway Company were entitled to have their choice between two forms of annuity, putting aside the subordinate offer as to Terminable Annuities. For the sake of his argument, he (Mr. Childers) would leave the last item out of sight altogether; but they had the choice, either of a perpetual annuity at 4 per cent on £125, or the equivalent converted into an annuity terminable at 73 years, at £4 6s. per cent. While he was debating the point yesterday, the hon. Gentleman the Under Secretary of State for India had said the annuity would be paid off in 10 years—the perpetual annuity. That was quite true: but it could only be paid off by Her Majesty's Government in 10 years; as far as the shareholder was concerned, he had only the choice between a terminable and a perpetual annuity; and, of course, the Government would not pay off the annuity, unless the rate of interest fell below 4 per cent. Practically, therefore, the shareholders had a choice between two annuities—a perpetual annuity, the interest of which was calculated at 4 per cent, and a terminable annuity of 73 years, at £4 6s. per cent. That being so, the question he wished to ask the hon. Gentleman was this—Why, if that agreement were such as it had been described, was the rate of interest for one annuity not to be paid at the same rate as the rate of interest for the other annuity? He

thought the House was entitled to a distinct answer to that question, especially for the reason so strongly put forward yesterday, and, in particular, by the right hon. Gentleman in charge of the Bill, that this was a contract altogether outside the original contract—a contract made between the Secretary of State in Council and the East India Railway Company, by which the shareholders in that Company were not to be tied down to the strict terms of the original contract; but questions as to terms that might, or might not be accepted, were left open. In reference to the terms of the new contract, it was most distinctly stated that the basis of the annuity had been taken at 4 per cent, because there was a certain analogy between the present arrangement and that which was contemplated by the original contract; and, therefore, he maintained that the House ought to be informed—this being the case—why was the terminable annuity calculated at £4 6s. per cent, and the perpetual annuity—for, so far as the shareholders in the East India Railway Company were concerned, he (Mr. Childers) believed it would be perpetual; because, unless the Government found it convenient to pay it off, it would be perpetual—calculated at 4 per cent? He thought that this was a fair question, and, at any rate, he anticipated that it would receive a complete answer.

After a pause,

MR. E. STANHOPE said, he had not risen at once to answer the question put to him by the right hon. Gentleman the Member for Pontefract (Mr. Childers), because he thought that the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) might have desired to say something beforehand. He was very glad, however, to answer the question of the right hon. Gentleman at the present moment. The right hon. Gentleman was, perhaps, aware that, in accordance with the terms of the contract, the Government of India had only power to pay off the East India Railway Company in two ways. In the first place, they might pay in cash; and, in the second place, the payment might be made by means of an annuity. They had no power to pay in stock in any form whatever. When they came to negotiate with Mr. Crawford, the Chair-

man of the Company, the suggestion was made to that gentleman whether, in making the negotiation, it was worth while to take into consideration the question of payment in stock? and the answer made by Mr. Crawford to that suggestion was that he was not prepared, on the part of the shareholders, to accept payment in stock. He said he was prepared to accept payment either in cash, or in the form of an annuity. That being so, the negotiations were carried on on that understanding, and the terms of the agreement, as they had now been arranged, were settled. After the terms had been thus settled, it was represented to his noble Friend the Secretary of State for India that some of the shareholders who were trustees found themselves in this position—they were doubtful whether, under the terms of the trust, they could accept payment in the form of an annuity. On the contrary, they thought they could not do so, and that even if they could, they would be indisposed to accept a security which was not easily saleable; their view of the matter being that the annuities for 73 years would not be so saleable in the market as Government of India stock. Representations to that effect were made to the Secretary of State for India in Council; and he decided that he would, especially for the benefit of the trustees holding in the East India Railway Company, offer stock in lieu of annuities. After devoting due consideration to the matter, he determined on offering £125 4 per cent stock, payable in 1888, a period when the remainder of the 4 per cent stock was redeemable; and, considering the advantage the trustees would acquire in having offered to them a stock that would be readily saleable, instead of a security that would not be readily saleable, it was thought they would at once be prepared to accept the offer. Well, that offer was made to the shareholders, and the result was that the holders of something like £3,500,000 of capital had sought to commute their annuities for 4 per cent stock; but he believed that since then some applications had been withdrawn. What would be the ultimate result he could not say; but he thought that the statement he had just made was a complete answer to the question put to him by the right hon. Gentleman opposite.

SIR GEORGE CAMPBELL said, he should reserve some remarks he desired to make on the point that had just been raised until the Bill got into Committee, when he would move an Amendment which he deemed germane to the matter. With regard to the question at that moment before the House—namely, that the Bill be considered—he should like, if it were in Order to do so, to move that the consideration of the Bill be postponed for a week, for a purpose which he would explain. The hon. Gentleman the Under Secretary of State for India had made a statement yesterday that had surprised him; and in regard to that statement, he (Sir George Campbell) thought he might say that it was to some extent, unintentionally, of course, misleading. The statement to which he referred was this—the House had been given to understand that in respect of the matter of the disputed interpretation of the contract the noble Lord the Secretary of State for India had not acted without legal advice. The Under Secretary of State for India told the House that the Secretary of State for India in his Council had men who were eminent in many ways, and more especially in regard to their legal qualifications—that, in fact, there were no men in England who were more able to give advice as lawyers. He (Sir George Campbell) shared the opinion of the hon. Gentleman on that point; but since the discussion that had taken place yesterday he had had the opportunity of making inquiry into the matter, and he understood that the legal Members of the Council of India had not had the legal question respecting the interpretation of that part of the clause in the contract which affected the rate of interest specifically placed before them for their opinion to be pronounced upon it. They had an opportunity of expressing their opinion on the general policy of the Government in the matter; but with regard to the particular point that had been raised, as to whether the phraseology of the contract in reference to the question of the rate of interest was such as to bear the construction that had been put upon it by the Government, he understood that the legal Members of the Council had not had that point distinctively brought before them, with a view to get from them the legal interpretation which they would put upon it. Now, that seemed to him

(Sir George Campbell) to be a very important matter. He was given to understand that the question of this negotiation had been referred to Sir Louis Mallet, the Permanent Under Secretary of State in the Indian Department. There was no man for whose opinion on such a matter he should have greater respect, nor in whom he could repose greater confidence than Sir Louis Mallet. Sir Louis Mallet was not only eminent as a man of business, but he was also what might be called a strict and severe man in regard to matters of finance. In point of fact, there was no man with whom he was acquainted who was more thoroughly and entirely beyond any possibility of imputation that he would be a party to a job of any kind than Sir Louis Mallet—no man in this respect whom he should think it more impossible to suggest as likely to be in any degree participator in a job—no man who had the finances of India more entirely at heart, or who would more willingly suggest anything which he conceived would be beneficial to the finances or people of India. What had really happened in regard to the matter under discussion was this—Sir Louis Mallet being, as he had said, a very distinguished man of business—a man who was constantly concerned in great and important affairs—a man holding a high position in the India Office, and one who had rendered, in regard to great political and commercial questions, important services to this country—he being a man in an eminent position, and of such distinguished services and wide experience, was not a man who would be likely to have a minute knowledge of anything that savoured of petty stock-jobbing in the City. He was not a man likely to have to do with shares, or who could be expected to know from day to day the price of East India stock; and it was just because he was a man occupying so high a position, that it had never struck him, as it would have struck any more petty man of business dealing in petty stocks and shares, that the rate of interest mentioned in the contract was above the rate which the obligations of the East India Railway Company usually bore in the Stock Market. He (Sir George Campbell) had reason to believe that the legal Members of the Council of India were not personally responsible for the legal interpretation

which had been put upon the clause. What he had been endeavouring to ascertain was who was personally responsible for that interpretation. As far as he had been able to discover from the evidence taken by the Committee, the only person who was in any degree responsible for the interpretation of the clause which had determined the rate of interest was a gentleman named Mr. Cave Browne, who held a subordinate position in the India Office. He (Sir George Campbell) had not the pleasure of knowing that gentleman; but he was informed that the position of Mr. Cave Browne in the India Office was not one that would entitle him to solve difficult points of this kind. He, being the gentleman who performed the accountant's part of the business, had, with a light heart, taken it upon himself to interpret a clause which no one else was able to interpret; and he had put an interpretation on it which was, to an extent, favourable to the East India Railway Company. The clause was placed before Sir Louis Mallet; but his personal attention was probably not called to the particular point now at issue—namely, the question of the rate of interest; it had unfortunately happened that that matter had escaped his attention, the result being that the people of India would be saddled with the payment of nearly £3,000,000, which, under another interpretation, they would not have been called on to pay. Let them now see what was the position of the matter at the present moment. The special Committee who had inquired into the case had made a unanimous Report, which conveyed a certain amount of censure on the officials at the India Office; and, moreover, the Resolution moved by the hon. Gentleman the Member for Hackney (Mr. Fawcett), which had been accepted by Her Majesty's Government, and by the House, was also one which did, by implication, convey a certain amount of censure on Sir Louis Mallet and the other officials who had been concerned in this business. It seemed to him (Sir George Campbell), and he spoke as an admirer and friend of Sir Louis Mallet, that it would be a very great injustice to Sir Louis Mallet and those who had been officially engaged in this matter, to pass a censure on them and say—"You are wrong; you have been careless in this matter; but you have done what

is irreparable, and as we cannot repair it, we are, consequently, bound to pass this Bill." For his part, he (Sir George Campbell) certainly took another and totally different view. He had not had the opportunity of consulting Sir Louis Mallet on the subject; but he would state his own view, which was this—If he were in Sir Louis Mallet's position, he should say to the House—"No; if I have made a mistake, it is not irreparable. The arrangement that has been made as between me and the East India Railway Company is one that has to be submitted for the sanction of Parliament. Parliament may, or may not, sanction that arrangement." The House knew that the Bill to give effect to the purchase of the East India Railway had come before the House in the form of a Private Bill. Let the House suppose for a moment that the case had been one of a Gas Bill, and it had turned out, while the Bill was still before the House, that a Corporation, which had made arrangements to buy up a Gas Company's property, had been misled in the calculation they had made, and had, consequently, agreed to give a price that was unfair to the ratepayers of the borough for which they were acting. What would the House do in such a case? He believed it would have no hesitation in rejecting the Bill, or in postponing its consideration, in order that an arrangement might be made of a fairer and more equitable nature. It seemed to him that this was the course which might very well be followed on the present occasion—indeed, that it was the course that ought to be followed in justice to so eminent a man as Sir Louis Mallet, whose action in the matter under discussion was called in question. It seemed to him that what had been done was not irreparable, and that if the House thought there had been an oversight—and he was sure it was nothing more than an oversight—they had it in their power to postpone the Bill in order that it might be further considered. They had been told that if they did not adopt the Bill there might be a large amount of litigation, which might lead to very great difficulties. He ventured to suggest a mode by which, as it seemed to him, they might, strictly in accordance with the terms of the contract, get over the difficulty. The contract provided for the case of any

difficulty arising as to the interpretation of the clause with regard to the question of the rate of interest. It provided that, if any question should arise as to the rate of interest to be paid, the rate which should be fixed was to be ascertained by a reference to the Governor and Deputy Governor of the Bank of England. The object of that reference was to enable the Governor and Deputy Governor of the Bank of England—as persons who were thoroughly acquainted with financial and commercial matters, and who must naturally be acquainted with the state of the Money Market to make a calculation such as would put the Government and the East India Railway Company in possession of the real rate at which the interest should be fixed. But there was no doubt that this difficulty would arise. The Governor and Deputy Governor of the Bank of England might say—“This point is referred to us as a financial question; but we find, on looking into the matter, that an extremely difficult legal question is also involved, and, consequently, we have a difficulty in arriving at a decision.” Now his (Sir George Campbell's) suggestion was, that it would not be at all difficult, in making the reference to the Governor and Deputy Governor of the Bank of England, to say—“You may find a difficulty in regard to the legal interpretation of the clause, and if you do find any such difficulty, and it is necessary for you to take legal advice, we will bear the expense.” If that position were granted, he could not see the least difficulty in the matter. The Governor and Deputy Governor of the Bank of England would say—“We have been called on to make a calculation as to the rate of interest to be paid under the terms of the clause; but we have a difficulty as to its legal interpretation. Let us take the highest and most eminent legal advice that we can get. That advice will be paid for by the Government of India—we shall not involve ourselves in any personal responsibility on that account. We will procure the best possible legal advice, and the contract being interpreted by that advice, we will make the necessary financial and arithmetical calculations so as to make the Return which the contract requires.” If that step were to be taken, the position of the Government

would be wholly unassailable. The Governor and Deputy Governor of the Bank of England would make a Return that would be legally binding on both parties, and which would render it impossible to have any further legal contest. He believed, therefore, that if the House would consent to delay further proceeding with the Bill, there would not be any substantial difficulty in settling the question of the rate of interest under the contract.

He now came to the question, supposing the East India Railway Company should be unwilling to accept the terms that would thus be offered to them. There would only remain the supposed practical difficulty that might arise from their throwing the railway on the hands of the Government. Now that was a matter of administration on which he did feel that he was in some degree qualified to offer an opinion; and he had a most decided opinion that in regard to this point there need be no practical difficulty whatever. He believed he was somewhat misunderstood yesterday by the noble Lord the Vice President of the Council (Lord George Hamilton) and the hon. Gentleman the Under Secretary of State for India (Mr. E. Stanhope), both of whom seemed to suppose his view to be this—“If you do not satisfy the East India Railway Company by giving them good terms, you will have to take over their undertaking and manage it yourselves permanently.” Now, that was not at all the view he had expressed. What he did say was, that if the East India Railway Company drove the Government into a corner, and said they must take over the railway, the officers employed in connection with that railway were at the present time so completely under the control of the Government officers, that the Government might take the railway over without creating the smallest hitch or difficulty. They had no need to take it over permanently, if they should really be driven into a corner at the last moment; for he had not the least hesitation in saying that there would not be the least difficulty in taking over the main line on the 1st of February and rendering it back to the Company on the 1st of March, or any other month, in case they had in the meantime come to terms with the Company. Therefore, it did seem to him that there was no practical

Sir George Campbell

difficulty to apprehend in regard to this point, if the House would only consent to postpone further proceeding with the Bill as he had suggested. They had in Sir Louis Mallet a very eminent man, who possessed many excellent qualities that would be of great service in negotiating with the East Indian Railway Company; and if he did omit one important point, they must remember that no man could altogether guard against the possibility of error. His (Sir George Campbell's) own impression was that Sir Louis Mallet, if he were consulted on the matter, would be the first to say—"Do not censure me for what I have done, and then pass your Bill; but if a mistake has been made, delay the passage of the measure, let me enter into further negotiations, and we will then see what can be done." This was the view which he (Sir George Campbell) had taken on this subject, and he now appealed to Her Majesty's Government to adopt the course he had suggested. He would move, in conclusion, that the consideration of the Bill be postponed for a week.

MR. D. TAYLOR seconded the Amendment, but upon different grounds to the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell). That was a day usually set apart for Business in charge of private Members, and as the present was in many respects a Government Bill, he thought they ought to postpone it until some future day. It was scarcely fair to private Members that the day should be occupied with Government Business.

Amendment proposed,

To leave out the word "now," and at the end of the Question to add the words "upon Wednesday next."—(Sir George Campbell.)

Question proposed, "That the word 'now' stand part of the Question."

MR. E. STANHOPE said, that the Government did not desire to stand in the way of Business in the hands of private Members; but the present Bill was a private one, and it had been put down by those in charge of it for that day, which was strictly within their right. If its consideration were now only permitted to proceed, it would be disposed of in a very short time. In reference to the speech of the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), he (Mr. E. Stanhope) confessed it

filled him with despair as to the possibility of governing India by means of a Council. He meant to speak, as, indeed, he always did, with the greatest respect of the Secretary of State for India's Council, and of every member of it. They had ever shown him the greatest possible kindness; but they and the House must remember that it was his business in that House to represent not only the Secretary of State for India, but his Council also; and it was hardly fair to him, for a member of that Council, who had an opportunity of putting his views on record, to allow matters to pass unanimously in Council, and afterwards to go to the hon. Member for Kirkcaldy, and authorize him to make different statements in the House of Commons.

SIR GEORGE CAMPBELL said, that no member of the Indian Council ever went to him. On the contrary, he, that morning, went to one of those members.

MR. E. STANHOPE remarked, that the hon. Gentleman had only put it in another form of words; for he understood that a member of the Council had taken the opportunity of making the hon. Member for Kirkcaldy the mouth-piece for expressing his views.

SIR GEORGE CAMPBELL denied that any member of the Council had taken the opportunity of making him his mouth-piece. He called upon Sir Erskine Perry that morning, and asked him if he was responsible for a legal opinion, and he said he was not.

MR. E. STANHOPE was sorry that Sir Erskine Perry, who was a member of the Secretary of State for India's Council and a gentleman entitled to the greatest respect, should have taken that opportunity of expressing his views on the point. All he (Mr. E. Stanhope) could say with regard to the legal interpretation to be placed on the clause was, that the matter had been considered for years in the India Office. Sir Erskine Perry himself had written Minutes relating to it, and so, in fact, had several Members of the Council. The hon. Member for Kirkcaldy, having inquired since the previous day, thought he had discovered that the legal interpretation of the clause had been given by Mr. Cave Browne, a gentleman of the highest eminence, who had rendered great service in the India Office. But no one ever asked that gentleman for a legal opinion on the subject; he was a financial officer, who

was asked for a financial report only. As a matter of fact, there was no secret as to the manner in which these negotiations were carried on. Sir Louis Mallet was appointed, with a sub-Committee of the Council, to negotiate with Mr. Crawford; and when the terms were finally arrived at, they were laid before the Council as a whole, and the Secretary of State for India and his Council having considered them, unanimously accepted them. That being so, he (Mr. E. Stanhope) hoped the hon. Member for Kirkcaldy would withdraw the Motion he had made and allow them to proceed with the consideration of the Bill.

Mr. CHILDERS felt it his duty to say, after the remarks which had been made by the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), that on whatever side of the House they might sit they must all hope that what they had just heard would not be drawn into a precedent. Everybody had his opinions on a great many questions of public interest, and when a conversation took place between an hon. Member of the House and a member of the Civil Service, it was always understood, however free the conversation might be, that it would not be repeated. If conversations such as that which the hon. Member for Kirkcaldy appeared to have had with Sir Erskine Perry were to be repeated in that House, and a sort of misunderstanding were to arise between a permanent Civil servant and his official Chief, the first effect would be that the public generally would lose the advantage that they now had of those unrestricted, though confidential, conversations they had with members of the Civil Service. He, therefore, entirely concurred in the observations which had been made by the Under Secretary of State for India; and he trusted that, while Sir Erskine Perry would not suffer in the estimation of any of them on account of what had passed, they would not have the opinions, freely expressed in such conversations by permanent Civil servants, quoted in the House against their official Chief.

SIR JOSEPH M'KENNA said, he had listened with great attention to the speech of the hon. Member for Hackney (Mr. Fawcett) in introducing the Motion, and was perfectly prepared to support him, if it were necessary, in the view he

took on that question. The hon. Member merely wished to challenge the preliminary proceedings, and, in doing so, made out a good case; but that case was at an end. He (Sir Joseph M'Kenna) did not think any variation had been made in the statement which would justify the House in throwing any permanent impediment in the way of the Bill becoming law. With respect to the Bill, its arrangement, and its sanction by the Secretary of State for India and his Council, he wished to say that there could be no finality in Public Business, if half-a-dozen men were to sit round a table, apparently transact certain business, and subsequently be permitted to say they did not go into the details which underlay the question and formed the substance of the arrangement. It would be stultifying themselves if they were to accept any such explanation in exoneration of these gentlemen; or if they were, for instance, not to take the present Bill as having received the full and substantial support of every Member of the Council of the Secretary of State for India who had not duly recorded his dissent. Under the circumstances, the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) would really promote Public Business by withdrawing his Motion.

Mr. J. G. HUBBARD said, the hon. Member for Kirkcaldy (Sir George Campbell) had not made the Motion of which he had given Notice; but had made another of a totally different character, and one which would be still more detrimental to the Bill and the progress of Public Business. He proposed to re-consider the matter next week; but, surely, the subject had already been sufficiently debated. The arguments which the hon. Gentleman adduced against the Bill were really of the most untenable character. The state of the East India Loan, as it now existed, never entered into the minds of those who made the contract, and allowance must be made for the peculiar position in which the contracting parties stood at the time.

Mr. SPEAKER said, he must point out to the right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard) that the question immediately before the House was the postponement of the consideration of the

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Bill for one week, and the right hon. Gentleman was now discussing a clause which it was proposed to amend after the House had decided the question immediately before it. He submitted it would be more convenient if the right hon. Gentleman would postpone his observations until they came to the consideration of the clause.

MR. J. G. HUBBARD said, he was endeavouring to answer the hon. Member for Kirkcaldy's (Sir George Campbell's) speech on the Motion for postponement, and he wanted to show that there was no virtue in the hon. Gentleman's argument. The proposal of the hon. Member was that the Bill should be postponed, and the reason he gave was that there was a defect of a very serious character in relation to the payment of the annuities. The effect of the clause with regard to the rate of interest had been misinterpreted; for it was said, if there had been any doubt at all, recourse ought to have been had to the Governor or Deputy Governor of the Bank of England. But those officials could not be called in by the Council at all, because the rate of interest was to be determined by the rate of interest received in a distinct period—24 months. That period never existed, for before its completion the present voluntary arrangement was made between the Indian Government and the Company. Although the contract to which the hon. Member had referred was there as a guide to the arrangements, it had no coercive power. This was a voluntary arrangement to which the contracts were a guide, but not the rule. Under the circumstances, he trusted the hon. Gentleman would withdraw his Amendment, which would have the effect of postponing Public Business without any possible good result.

MR. MUNTZ said, he could not agree with the right hon. Member opposite (Mr. J. G. Hubbard) in the general view he took of the question; but he did agree with him that there could be no advantage in postponing the consideration of the Bill. It was thoroughly discussed in Committee and in that House on the previous day, and, therefore, further delay would be disadvantageous. In justice to the Government of India, he must say that both the Secretary of State for India and the Permanent Under Secretary of State

stated, in evidence given before the Committee, that it was distinctly assumed that the contracts were not binding; that they were merely to be taken as a basis of the treaty. It would be well if they were now to proceed with the consideration of the Bill, and with the clauses proposed to be amended by the hon. Member for Kirkcaldy (Sir George Campbell).

MR. FAWCETT said, he was extremely reluctant to occupy the time, inasmuch as he had trespassed upon the patience of the House for such a considerable time on the previous evening. He would, however, venture to make an appeal to the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), in the face of the debate of the previous day, not to press his Motion to a Division. He (Mr. Fawcett) was afraid that, if he did so, a very erroneous impression would be produced. Moreover, if the Motion were rejected by a large majority—and, as no sufficient Notice had been given, the vote would not be a fair test of the opinion of the House—the interpretation put upon the Division would be that a majority approved of the Bill. Now, what took place on the previous day seemed to him to be this—they decided that they did not approve of the Bill, and that, consequently, a Resolution was passed unanimously by the House, which, if not a censure upon the Secretary of State for India and his Council, was, at least, an authoritative reminder that what they had done with regard to the present matter must never be done again. He should not have made any further remarks; but he did agree with what was said by the hon. Gentleman the Under Secretary of State for India (Mr. E. Stanhope), that it was unfortunate to single out one Member of the Council, and in consequence of a private conversation which an hon. Member had had with him, to make out that he was not responsible for something for which he was responsible. Whatever any Member of the Council might say, they could not throw away from themselves the responsibility for the Bill. Every Member of the Council was responsible for it; it was laid before him; his attention to those points which had been raised might not have been specially directed, but the Bill might have been considered by every Member of the

Council, and it was his duty to consider it with just as much care as it had been considered by the Committee to which the Bill had been referred, and as it had been discussed by the House. They could not say now that they had never considered it, and were, therefore, not responsible for it. It seemed to him (Mr. Fawcett) that a very important lesson might be drawn with regard to the duty of the House in reference to the future government of India. The right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard), referring to the words of the contract upon which that important dispute had arisen—a dispute which, in this transaction, involved the sum of no less than £3,000,000—said, speaking with his great commercial experience—“A more unbusiness-like contract was never entered into;” and then he said that the East India Company was responsible for it. The House, however, was responsible, and someone else was also responsible. The President of the Board of Control was responsible, and the House was responsible, because they could not lose sight of the fact that those contracts were submitted to the House; and just in the same way, as he maintained, that the Council of the Secretary of State for India could not escape the responsibility for what had been done in reference to the Bill, that House could not escape the responsibility of sanctioning contracts which they now said were the most unbusiness-like ever entered into. That showed the great importance of their keeping a careful, watchful, and incessant eye upon Indian Business. They would thus render great service to the Secretary of State for India in Council, because of what was done with regard to the present Bill. It had slipped through the India Office without proper criticism; it was on the point of slipping through that House, because the Government were going to refer it to an ordinary Private Bill Committee. No evidence would have been taken, because they could not take evidence on a Private Bill, if it were unopposed. There was no one to oppose it; in fact, it was only to be opposed on grounds of public policy. That showed the great importance of a careful watch over every Bill affecting India brought into the House. Had proper care been exercised in that instance, he

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believed the purchase of the East India Railway would have turned out more advantageously for India than it would under the present circumstances. He did not call the transaction a bad one, because, on the whole, he believed it would turn out advantageously. At any rate, great good would come out of the discussion which had taken place, and out of the exhaustive examination which the Bill received by the Committee to which it was referred. The Secretary of State for India in Council might take a lesson, and might receive a warning from the Bill which it would be prudent not to ignore. They might also know from what had taken place that a change had at length come over the House of Commons with regard to the administration of India. He believed the House had, at length, so much awakened to the critical position of Indian affairs, and to the importance of Indian affairs being carefully considered, that the Secretary of State for India in Council might know that henceforth the House would not permit laxity to remain unchecked. He did once more appeal to the hon. Member for Kirkcaldy not to take a Division, which would be misunderstood, and which, to a certain extent, would take away the good they had already effected.

SIR GEORGE CAMPBELL said, he would not put the House to the trouble of dividing, although he would much rather his Motion was negatived than withdrawn. With regard to the present question raised, he had already corrected the hon. Gentleman the Under Secretary of State for India, when he said that a Member of the Indian Council had made him his mouth-piece. In that respect the hon. Gentleman was entirely in error. He must also protest against the suggestion that he had in any way betrayed a private conversation. What had happened was this. Having refreshed his memory by reference to the report of what had happened on the previous day—that was, of what the Under Secretary of State for India had said, he, on coming down to the House that morning, called on Sir Erskine Perry. He said—“I am going down to the House about the East India Railway Bill. I want to know whether you have ever given a legal opinion with regard to the interpretation of the Is-

terest Clause?" Sir Erskine Perry said—"No; I never gave an opinion. As a matter of fact, this particular point was not brought before the Council specially." Sir Erskine Perry did not deny the responsibility, in common with other Members of the Council, for having passed the measure as a whole; but he did deny that, as a lawyer, his opinion was ever asked as to the interpretation of the Interest Clause. He (Sir George Campbell) did not think he had been guilty of any betrayal of confidence. He had only named Sir Erskine Perry when he found that a wholly erroneous construction was put on the affair, and he thought it best to make a clean breast of it. He must very earnestly dissent from the view of the right hon. Gentleman the Member for Pontefract (Mr. Childers), who regarded the Members of the Council of India as permanent Civil servants in the ordinary sense. He took it that they were in an entirely different position; they were a class of men appointed for a number of years or for life—"Order!"

MR. SPEAKER pointed out that the hon. Member (Sir George Campbell) was proceeding beyond the bounds of a personal explanation.

LORD GEORGE HAMILTON, referring to the allegation that the Indian Council had not been consulted as to that particular clause, desired to state what had actually happened. A special Committee of the Council was appointed to consider the details of the arrangement, and it was composed partly of the Finance and partly of the Railway Committees. They went very carefully into every detail of the arrangement, and on that Committee was Sir Erskine Perry.

MAJOR NOLAN protested against the present course of Public Business. The seven first Bills upon the Paper for that day were Irish Bills; yet they were precluded from being taken, on account of a Government Bill; for although the Bill was in the charge of the right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard), it amounted to a Government measure. He (Major Nolan) maintained that, in consequence of it being taken that day, there had been a great curtailment of the time at the disposal of Irish Members. He protested against the present invasion of the rights of private Members, and thought that Irish Busi-

ness ought not to be impeded in that manner.

THE CHANCELLOR OF THE EXCHEQUER said, that it must be borne in mind that this was a Private Bill, which was introduced, not by the Government, but by the Chairman of the Committee to whom it was referred. The main discussion upon the Bill took place the previous day, at a time which would have been appropriated to Government Business, and the consequence of the long discussion which took place, and of the whole of the Morning Sitting being occupied by the debate, was that no Government Business could be proceeded with. They had every reason to suppose that after the full discussion which the Bill received the previous day only a few minutes would have been required to-day to consider the particular Amendments. They really thought the question was substantially settled.

SIR JOHN HAY, in reference to the remarks of the hon. and gallant Gentleman the Member for Galway (Major Nolan), pointed out that on the Wednesday in last week, when Irish Business was first on the Paper, a House was not made until late. He wished to call the attention of the House to that matter, to show that the Wednesdays, which were sometimes devoted to Irish Business, were not so eagerly seized upon.

MAJOR NOLAN said, the House was made last Wednesday about five minutes past 12 o'clock; it was, in fact, the earliest House made that year. The right hon. and gallant Baronet opposite (Sir John Hay) was, therefore, very unfortunate in his illustration.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill *considered*.

SIR GEORGE CAMPBELL begged to move the Amendment of which he had given Notice. He proposed, in Clause 7, page 20, line 3, to leave out—

"One million four hundred and seventy three thousand seven hundred and fifty pounds, being at the rate of four pounds ten shillings,"

and insert—

"One million three hundred and sixty-four thousand three hundred and ten pounds, being at the rate of four pounds three shillings and three pence three farthings."

His Amendment was intended to carry out the view of the large part of the

Committee on the Bill, and, if carried, the right hon. Gentleman opposite (Mr. J. G. Hubbard) might take the Bill or leave it. The effect of it was that the rate of interest on which the annuity should be calculated should be taken at about £4 per cent. The right hon. Gentleman the Member for Pontefract (Mr. Childers) very forcibly showed good reason why not more than £4 per cent should be given to those annuity holders in regard to their claims; and he (Sir George Campbell) thought that, in some respects, the case was even stronger than the right hon. Gentleman had put it; for whereas those who accepted the 4 per cent stock were only secured till 1888, the holders of this annuity were secured for 73 years. The Amendment must commend itself to many hon. Members of the House, because it was an Amendment which was proposed to be inserted in the Bill by three Members of the Committee who sat on the Bill—namely, the hon. Members for the Stirling Burghs (Mr. Campbell-Bannerman), Birmingham (Mr. Muntz), and Hackney (Mr. Fawcett). Those hon. Gentlemen were only out-voted by the casting vote of the Chairman, and, that being so, he (Sir George Campbell) had thought it right to submit the Amendment to the House, whether the House would accept it or not. As to the ground on which he submitted the Amendment, no doubt, it entirely depended upon the interpretation of the clause, which had already been the subject of debate in the House. According to one interpretation of the clause, the amount to be given to the East India Company was £1,473,750, while, according to another interpretation, the amount was £1,364,310. It was a question as to which was the right interpretation of the clause. It seemed to him that no competent authority of any kind had expressed an opinion with regard to the interpretation of the clause. He ventured to say, again, so far as his information went, that the attention of the legal Members of the Council of the Secretary of State for India was never specially directed to the clause, and that they did not bind themselves to an opinion upon it. He was anxious to justify himself in regard to quoting the opinion of one of those Members, and he asserted positively that the Members of the Council of the

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Secretary of State for India were not in the position of the ordinary permanent Civil servants. They held independent positions, and they had a right to record their opinion in a totally different manner from that of permanent Civil servants. If that had been a question between the Secretary of State for India and ordinary permanent Civil servants, it would have been a totally different matter, and he would have done wrong in getting an opinion from them, or they in giving one.

MR. SPEAKER said, he was bound to say that the hon. Member (Sir George Campbell) was not speaking to the Amendment.

SIR GEORGE CAMPBELL concluded by moving the Amendment.

[There being no Seconder, the Amendment was not put to the House.]

SIR GEORGE CAMPBELL said, he had three other Amendments on the Paper; but the only one he wished to move was, to add to the end of Clause 31 the words—

“Each amount of twenty pounds or more, to two votes; each amount of one hundred pounds or more, to three votes; and each amount of one hundred pounds above the first hundred, to one additional vote.”

The effect of the clause in question was to throw an enormous power in the hands of the great and rich shareholders of the Company, and to make the direction of the Company nothing more than a close corporation even much more than it was now. His Amendment would remedy that state of things; but if the clause were allowed to be carried unaltered, the effect would be to make a close corporation a great deal closer still.

[There being again no Seconder, the Amendment was not put to the House.]

Bill agreed to; and to be read the third time.

ORDERS OF THE DAY.

SPIRITS IN BOND BILL—[BILL 19.]

(Mr. O'Sullivan, Major Nolan, Mr. Blennerhassett, Captain Pim, Mr. Stacpools.)

SECOND READING.

Order for Second Reading read.

MR. O'SULLIVAN, in moving that the Bill be now read a second time, said, that he did not intend to commend the

spirits of one country more than that of another, neither did he intend drawing any invidious distinction between one make of spirits and the other. He would merely try to improve all spirits, treat them all on the same ground, and then let each stand on its own merits. This was not a question of trade in any sense of the term, as the trade was not financially interested either in the defeat or the success of the measure now before the House; but, from a humane and moral point of view, he believed that the fair traders throughout these Kingdoms would view with satisfaction the passing of such a Bill, as they were well aware of the injurious effects of whisky of all kinds when used in its new and unmaturing state. It was not the maker of spirits, nor the dealer in spirits, or the retailer of spirits, who would reap any benefit by the passing of the Bill; but, simply and solely, the consumers of spirits in all parts of these Kingdoms, and more particularly the very poor portion of the consumers, as the wealthy consumers took care they got what was well matured. He would endeavour to show, from several eminent authorities, the injurious effects of new spirits both on the health and sanity of the consumer, and he would then expect the passing of the second reading of the Bill without a Division. He would, in particular, ask the support of his temperance Friends in the House for the Bill, for he believed that their wish was to prevent the manufacture of spirits of all kinds. That they could never expect to accomplish in that enlightened age of liberty; but when they could not do that, they should try to make the article as pure and as harmless as possibly could be done. He would impress upon the House the fact that it was fusil oil which caused the greater part of the ill effects of drinking whisky. If mixed with tea, it would produce the same effect, so that the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had only to pour fusil oil into his tea in order to produce the same effect as if he had taken whisky. He might be met by the Government, who might say it would be an inconvenience to rectifiers if the Bill were passed. In answer to that, he would admit it might cause some inconvenience to rectifiers; but they were a very small class, and their objections could be

easily met by allowing them to rectify in bond under the supervision of the Excise. He believed if the Bill passed into law, as he hoped it would, it would do more for real temperance and moderation than all the Temperance Bills brought before the House during the present Parliament. He did not expect the House would be led into voting one way or the other by his opinion on the subject; but he would be able to quote for the House the opinions of some of the ablest analysts and Professors of the present day in favour of the Bill, which, he trusted, would prove to the House the necessity there was for such a measure. He might further add that he believed such a step as he was about to propose had been recommended by the Select Committee of the House of Lords on Intemperance. In giving his authorities in support of his Bill, he would first give the opinion of analysts and Professors, as he thought that the most important evidence to rely on. Professor Estcourt, when writing his Report to the Corporation of Manchester, in July, 1877, on the subject of food sold in the City of Manchester, on the subject of whisky, wrote as follows:—

“In Manchester the whisky was found to be genuine, in the sense that it contained no added impurities. I, however, found that it contained, as in all other towns, a large proportion of new, raw grained spirit. This crude spirit is, no doubt, largely responsible for the evil effects so strongly portrayed by recent speakers upon drunkenness. I would call your attention to the fact that the remedy for this state of things is in the hands of the general public. An Act compelling distillers to keep all spirits in bond for at least one year would at once cure the evil so far as the quality of the spirit is concerned.”

Then he went on to condemn the practice of blending, with which he (Mr. O'Sullivan) would not trouble the House, as it was outside the scope of the Bill, and he added—

“The distillers, on their part, fear to move in the matter, lest the privilege they at present enjoy of turning the burning, poisonous, raw spirit (not more in some cases than a week old) into the market should be taken from them.”

On that point, he must differ from the writer, as he was aware, as a fact, that the very large majority of the respectable distillers, both in Ireland and in Scotland, were in favour of the Bill. He then continued—

“In this state of things, those who take a prominent part in the prevention of drunken-

ness, frequently caused by the fiery quality of the spirit rather than the quantity taken, have here presented to them something tangible to work for. An Act compelling distillers to hold spirits in bond at least one year after they are manufactured, would be a most important step in the right direction."

He then wound up—

"In a country where so many millions are annually spent upon ardent spirits, it is advisable that the article sold should be rendered as little poisonous as possible."

He would now read an extract from a letter which he received from Professor Cameron, of Dublin, on the 23rd of this month—

"15, Pembroke Road, Dublin, 21st June, 1879.

"MY DEAR SIR—Many thanks for the copy of the Bill relating to the storing of whisky in bond. I hope it may become law. The popular notion that whisky is largely adulterated with bluestone, oil of vitriol, and other articles is wholly unfounded. Last year I made several examinations of whisky taken from all parts of Ireland by the Constabulary, and only found one sample adulterated. Most of the specimens were, however, far too new and fiery to be fit for use. They contain fusil oil in large excess. Such whisky must prove injurious when drank even in not very large quantities. Should your Bill become law, the sale of such whisky as that will no longer be permitted, and great good will result therefrom. The ill-effects produced upon the body and mind of man by fusil oil can hardly be exaggerated. The Government should have power to disallow whisky to be used before being a year old.—Yours, my dear sir, very truly,

CHARLES A. CAMERON.

"W. H. O'Sullivan, Esq., M.P."

He would also refer the House to the same gentleman's evidence given before a Select Committee of the House in 1874, on the Adulteration of Food and Drugs Act, which showed that the Professor was in favour of such a movement as the one under notice at that time. J. Emerson Reynolds, M.D., Professor of Chemistry, Trinity College, Dublin, said—

"I have always attached great importance to the practical freedom of whisky from fusil oil, as the latter is an organic mixture, which exerts a distinct poisonous action on the animal organism, and I am well aware that now whisky too often contains this noxious body in considerable quantities."

Professor Burrell, of Rotterdam, writing to him (Mr. O'Sullivan), said—

"I have for a long time occupied myself with the hope of checking the evils arising from the consumption of newly-made spirits, and have thus become acquainted with many others who have great weight and authority on such matters. The starting point is that alcohol

purified from its fusil oil is perfectly harmless; but, on the contrary, it is rank poison when taken in its newly-made state. I am ready to prove that the matter extracted from it by a simple mechanical process will, if added to tea or coffee, produce every symptom of drunkenness, madness, *delirium tremens*, and even death."

In France, he would state that, according to Mr. Jarell, out of 15,866 cases of madness, 3,445 arose from drinking new-made spirits. Having given the House the opinions of the different Professors and analysts in favour of his Bill, he would now give the opinion of the Press on the subject; but, before quoting from the Press in favour of the Bill, he would show them, by reading a short extract from a report in the *Freeman's Journal*, of the evil effects of this new-made spirit on the consumers. At Magherafelt Quarter Sessions, in January, 1870, the Bo'ness Distillery Company of Scotland sued one John Magee for the price of a cask of spirits supplied to him, and for which he refused to pay on account of the badness of its quality. The defendant proved that he opened the cask the day he got it, and gave about a glass and a-half to a boy named Bradley. Immediately after drinking it, Bradley leaped clean off the ground, and then threw himself down with his mouth and nose against the ground. When lying on the ground, he attempted to eat the flesh of his arms. Four men had to hold him to prevent him injuring himself. Ultimately, he got an emetic which relieved him. When he recovered, he had no remembrance whatever of what occurred. The defendant took a sample of the whisky to Dr. Hodges, Belfast, to be analysed, when he received the following certificate:—

"I certify that the whisky placed in my hands by John Magee is contaminated by the presence of a large amount of fusil oil."

He could bring many more cases like this; but he did not wish to take up the time of the House. The first extract he would read from was *The Sanitary Record*, which must be looked on as an authority on such a subject. It said on the 2nd of March—

"An analysis and report of spirits purchased as Irish whisky in the Whitechapel district. Eleven samples purchased at so many different houses, largely patronized by workmen about the docks, labourers out of employment, and dwellers in the houses about the river. The general result of analysis is that they are deficient in genuine proof spirit, yet they are

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more fiery and biting than genuine Irish whisky. We met two old acquaintances, fusil oil and silent spirit, so well known from the blending process allowed in the stores of Her Majesty's Customs."

He would next refer to a leader in *The Irish Times*, which went to show that the Bill was a step in the right direction. He would lastly quote from an article in *The Hornet*, which wrote—

"It is a fable to say that publicans in London use vitrol or turpentine; but they corrode the throats and stomachs of their customers quite as surely by using raw new spirits, which, like Cape brandy, eats the mucous membrane as nitric acid eats a copper plate. In the first place, they buy German spirit, which is made from all sorts of things, wood included, which can be purchased in London at 1s. 5d. the proof gallon. They then improve the poison with prime wine, honey, pine, &c., and sell it as whisky. More of them save themselves the trouble by getting so-called Irish whisky at 2s. 6d. per gallon from Belfast. Such spirit when new is rank poison."

He could quote from several other papers recommending the terms of the Bill; but he trusted he had shown sufficient proof that such a measure was badly required. His Bill did not prevent the sale and re-sale of spirits in bond of any and every age; but it prevented spirit being sent into consumption at a time when it was unfit for human use. The present system of allowing an article into consumption, containing a certain amount of injurious ingredients, must entail a very serious responsibility on the Government, should they refuse to check such a practice when the remedy was in their own hands. It was no exaggeration to say that at least two-thirds of the drunkenness of the country arose from the use of inferior new spirits made from rice, molasses, damaged Indian corn, and potatoes. The Bill really offered a premium to make a good article, because the bad article, if retained in bond for 12 months, would become useless; whereas sound and fairly-made whisky would improve and increase in value. It would be to the interest of the trade to support the Bill, and he confidently asked the House to read it a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Sullivan.*)

MR. KAVANAGH said, that if the proposal to read the Bill a second time

had required a seconding, he should have been very happy to fulfil that duty towards it; because, as far as he understood the question, he believed the measure would forward the object that he had in view in supporting the Sunday Closing Bill. He did not propose to occupy the time of the House at any great length, because, as he said, he did not understand the question as thoroughly as he ought—and, indeed, he owed the House an apology for venturing to trespass on their time on a subject with which he was not as fully acquainted as he should be. Although the Bill was a very short one, containing only three clauses, yet the question was, on the whole, a large one. It involved two sets of interests. In the first place, it involved directly the interest of the distiller of spirits, and the importer of them. He need not touch upon that interest, because the distillers and the gentlemen engaged in the trade of importing spirits were quite capable of taking care of themselves. If they had apprehended any bad results to themselves from the passing of the Bill, it would not have been allowed to reach its present stage without an Amendment for its rejection being put down on the Paper. Therefore, he assumed from that fact that there was no objection raised to the Bill by the traders or distillers. The only interest, then, upon which he would touch was what he might call the interest of the consumer; and, considering it from that point of view, they were immediately brought face to face with the grave and important question of intemperance. Nobody would deny the importance which that question was to England, Ireland, and Scotland. Intemperance was one of the most costly crimes, if he might so call it, from which the country suffered. Their gaols, their hospitals, and their workhouses were filled with the effects of drunkenness. Poverty, want, and crime were its inseparable companions; and if they could in any way, directly or indirectly, manage to abate the evil, the House should not grudge a little time for that purpose. So far as he understood the question, he must tender his thanks to the hon. Member who had brought forward the Bill. In what he was now going to say he did not wish to make any reflection upon his own countrymen; but it had often been to him a cause of great surprise

why, in Ireland, intemperance should be so very frequently attended with deeds of violence. He had often wondered whether there was anything peculiarly constitutional in the poorer class of his countrymen who used whisky to drive them to commit deeds of violence. Nobody who had had experience in Ireland of large fairs and other places, where whisky was the chief thing consumed, but must know that drunkenness had the effect of driving the unfortunate victim mad. It had not that effect in other countries where beer and porter were used; for, in those cases, the extreme stage of drunkenness was torpor and stupidity. But the effect of whisky drinking was the exact opposite. That pointed directly to the fact, either that in the lower classes who used whisky there was some constitutional peculiarity, or that the spirits themselves were bad. He need not say that there was no constitutional peculiarity, and, as a matter of fact, it must be that the spirits supplied were not as pure and as old as they should be. He had been told that the real cause of all this was that the spirits were adulterated with vitriol, and he did not know how many other horrible things. That might be so; but that view was not supported by the opinions which the hon. Member had read to the House. He did not think that adulteration was practised so largely as they were led to suppose. He believed the real cause was the newness of the spirits. At present, the spirit being sold almost immediately after it had been made, its evil nature could not be discovered; but if it were kept for one year in bond, it would become so bad and deteriorated as to be utterly unsaleable, and, therefore, in passing the Bill, they would make it the object of distillers to distil nothing but real and pure spirits. That, of itself, would be a great gain. But when they knew that age divested spirits of a very great deal of this deleterious quality, there was an additional reason in favour of the Bill. He considered that these were quite reasons enough to warrant him in supporting the second reading of the Bill. He was not disposed to raise any objection to the Bill; he only feared that, by detaining all spirits in bond for 12 months, the effect of immediately passing it might be to raise the price of the article and thus offer a premium to adulteration. Therefore, some safeguard

in that direction was necessary. Perhaps some objection might be taken to including all spirits in the Bill, and that might not be necessary; but the measure was deserving of support.

SIR WILFRID LAWSON said, he was glad to find that the hon. Member who moved the second reading of the Bill (Mr. O'Sullivan) went so far along with him, that he professed a great anxiety to get rid of fusil oil. He (Sir Wilfrid Lawson) was a co-worker with the hon. Gentleman, for he had done so himself in 1872. There was a clause in the Licensing Bill inflicting penalties on those who adulterated drink; a number of articles were specified, but he did not find fusil oil among them, and he tried to get it inserted, in consequence of representations which had been made respecting the dreadful effects produced by its use. He applied to the Home Office, then to the Local Government Board, and he was referred back to the Home Office, but without success. He hoped the hon. Member would be more successful in his crusade against it than he (Sir Wilfrid Lawson) had been. The hon. Member was inconsistent in one matter; for, whereas he had often talked in the House about the impossibility of making people sober by Act of Parliament, he was now engaged attempting that alleged impossibility, for, after all, this little Bill was an attempt in that direction. It was a philanthropic measure to prevent the use of fusil oil by Act of Parliament. The hon. Gentleman had, further, made copious reference to his temperance Friends. Now, he (Sir Wilfrid Lawson) objected to be called "a temperance Friend," or to being specially identified with a "Temperance Party." He was not more in favour of temperance than the hon. Gentleman, and he did not profess to belong to the Temperance Party any more than the hon. and learned Member for Leeds (Mr. Wheelhouse). The hon. and learned Member for Leeds believed, just as he did, that drunkenness was a great evil; but while the hon. and learned Member was of opinion that the existing law checked drunkenness, he (Sir Wilfrid Lawson) was desirous of introducing certain alterations into it. He was anxious to know what the objections to the Bill were. He had asked the Secretary to the Treasury what he intended to do

Mr. Kavanagh

Gentlemen felt that alcohol in every form was objectionable, they were told that no intoxicating drink ought ever to be taken by anybody, he contended that was a doctrine which could not be accepted. Every man should exercise his own discretion, as long as he did no harm to anybody. With regard to the Bill before the House, he apprehended there could not be two opinions. Even supposing it did no good, it would be difficult to point out any harm it could do—none, so far even as the distiller himself was concerned. Distillers usually made so much spirit that they had an opportunity of keeping it such a length of time as to make a year's probation a matter of no consequence. If, by any accident, the Bill should damage the small manufacturers, of whom there were very few, that ought not to stand in the way of passing such a measure as this, the object of which was to get rid of matter that was admitted to be deleterious in raw spirits. The removal of that objectionable matter, by insuring spirits being kept in bond until they were mellow and ready for drinking, would do a great deal to stop drunkenness in its worst form—namely, that maddening effect of which mention had been made. There could, therefore, be no doubt that it was desirable such a measure should pass. He understood it might be looked upon as a tentative operation, and if it were found not to answer its intention, it might be repealed, or, better still, amended so as to admit of exceptive treatment with spirits from abroad, if thought necessary or desirable; but, at any rate, if they passed to-day—which he was glad to feel was more than likely to be the case—they should have done something that was beneficial according to the opinion of those who best knew the effects upon the population of the practice of drinking raw spirit. They would soon know what good had been effected, and if they once set their minds to work upon questions of chemistry on these matters other beneficial measures might follow. He thought they might do very much indeed by taking away the deleterious material from home-made spirits; and he was one of those who believed that it was possible it was their duty to remove from people who were in the habit of drinking spirits to any extent whatever the possibility of being mad-

dened by that deleterious matter. He was very glad to hear the hon. Member for Roscommon (the O'Connor Don) call attention to the fact that in Ireland especially, in Scotland to a very considerable extent, and in England to some degree, they had a class drinking spirits, who very possibly could scarcely afford to drink anything else but spirits—he meant the poorer artisans of the other Kingdom especially. If they could do anything—he cared not how little—but if they could do anything at all to provide that what was taken by the wage class of the three countries should be less deleterious, he considered they were bound to take the necessary steps in order to insure that what they took was as good as it possibly could be. If they could make any improvement in any article of consumption, whether it was ardent spirits, or beef, or beer, or anything else, then they ought to do so; but it would be unreasonable to say that the use of beer, or beef, or anything else ought to be abolished because the use was abused in some cases. Under the circumstances, he, for once, should be very happy indeed to find himself, not in the same Lobby—for he understood there was to be no Division upon the measure—but following the same tone of thought, to this extent, as the hon. Member opposite (Sir Wilfrid Lawson), and he had great pleasure in supporting the Bill.

MR. MURPHY said, he was glad to find that, notwithstanding the passage of arms between the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) and the hon. and learned Member for Leeds (Mr. Wheelhouse), an occasion had arisen on which those hon. Members, like brethren, "could dwell together in unity." The Bill was an exceedingly simple one in its nature, but if they could secure the object aimed at by it, it would prove to be of much value; and although there might possibly some question arise as to the framing of it, he thought that could be easily settled when they got into Committee. The object of the measure was a most desirable one. There could be no matter of question whatever that age, and age alone, was the thing which destroyed the fusil oil in spirits. It had been objected that if the Bill became law it would affect the supply of whisky in the United Kingdom for at least one

year, and thus affect the Revenues of the country; but he thought it was well known that the stocks of whisky in the United Kingdom were much more than sufficient for one year's consumption, and, therefore, no inconvenience could possibly be felt from passing the measure. He did not think any serious objection could be taken to the measure, and hoped that Her Majesty's Government would, at all events, allow it to pass a second reading.

MR. BRUEN thought the Bill seemed to involve one rather important principle, and that was whether the Government were responsible for the quality of an article which was very largely consumed, and from which the Government itself derived a profit by taxation? The question arose—Did the Government undertake any responsibility for the quality of an article which it taxed? The hon. Member for Roscommon (the O'Connor Don) seemed to think that that question had been answered in the affirmative; but he (Mr. Bruen) did not think that that was the case, and wished to guard himself against giving assent in any way to the proposition. It appeared to him that the position which the Government had taken, upon passing the Adulteration of Food Act, was that of preventing a fraud upon the purchaser by the trader, which was an entirely different matter. In this case there was no question of fraud, and it was important to consider how far the principle of improving the quality of an article should be carried by legislation. With regard to the Bill itself, he thought it was of a character which commended itself to the House, and he should, therefore, give it his support. The Government were only asked to do a very small thing—namely, that they should undertake the custody of spirits in bond for a certain time, and that was a thing he thought they might easily consent to do. He presumed there was no doubt that storage could be found for the quantity of spirits that would have to remain in bond; but the storage would increase the cost, and he wished to know who was to pay it, and whether it was likely to increase adulteration? He believed, however, that the latter was not a probable result, and that the improvement in the whisky would more than compensate for any additional cost to the consumer.

Mr. Murphy

MR. WHITWELL said, he should give the Bill his support, as the object of it was one in which he entirely concurred. He contended that fusil oil was a natural impurity, which might occasion as much harm as over-preserved meat, and that it was an evil to be got rid of. He denied that the Bill was a small one, and pointed out that, if it passed a second reading, it would require very careful consideration in Committee. The debate had turned principally upon whisky; but the Bill dealt with all spirits, and it would not be desirable that imported French brandy, perfectly matured, should remain in bond for 12 months, seeing that it was generally sold with a certificate of age. It would, therefore, be necessary in Committee to take care, on commercial grounds, that foreign spirits, properly purified and duly certificated, were not needlessly kept in bond. He hoped the Government would see their way to accept the second reading of the Bill.

MR. YEAMAN said, that in the great manufacturing towns of Scotland the effects of immature spirits had been frequently observed. It must have been proved to the satisfaction of the House that the poisonous ingredient in such whisky had a bad effect upon the people. The Government might have some objections to the Bill; but he did not think the want of storage could be properly urged as one of them, because there were close on 40,000,000 gallons in store and in bond now, or a quantity about equal to three years' consumption. There was, therefore, no fear that the effect of the Bill would be the failure of spirits to meet the demand. The loss to the rectifiers could be avoided by allowing new spirits to go into the rectifying process at once, and thereafter to be kept in bond for one year, same as to whisky. He was satisfied that the measure could be licked into shape in Committee, and converted into a very good Bill. He would, therefore, vote for the second reading.

SIR HENRY SELWIN-IBBETSON said, he felt great pleasure in being able to congratulate the hon. Member for Limerick County (Mr. O'Sullivan) on having brought about a sort of Parliamentary Millennium, in which the lion of temperance had laid down with one whom he had always looked upon as the pet lamb of the publicans. It

would certainly not be in accordance with his (Sir Henry Selwin-Ibbetson's) own views and wishes if he was found there to-day as an absolute opponent of the Bill. He thought it would certainly not be the first time that he had stated in that House how completely crime depended upon the consumption of ardent spirits; and whilst expressing his own feeling in favour of any measure which might tend in any way to diminish that crime, or bring about a better state of things with regard to the quality of those liquors, he could not help pointing out to the House that there were some difficulties in the way of passing the Bill in its present shape. One hon. Member had told them that he looked upon the Bill with favour, because he said that they had legislated for adulteration; and, therefore, it was only fair that they should deal with what the hon. Gentleman called the adulteration of that particular article. He would ask the House to remember what was the real history of the bonding of spirits. There was a duty upon spirits, and spirits were therefore bonded, in order to collect the Revenue from them. Hence the necessity for bonding-houses. But if the duty should be taken off spirits, the necessity for bonding-houses would cease to exist; and, therefore, if the Bill was passed, the Government would be passing a Bill by which they compelled the bonding of spirits for a certain time when the real reason for bonding them might have ceased to exist. That seemed to him one of the difficulties which they had to encounter in this Bill. In other respects, he was ready to admit that the objects of the measure were sound; but still there were many difficulties in the way of it. They had been told that the Bill would practically stop a very large amount of importation of spirits. For instance, there was something like 35,000 gallons of spirits imported annually from Germany. He thought the House ought to remember that, although a good deal of cheap spirits, no doubt, came in, which would, if kept in bond, by the effect of time be practically destroyed, by not being able to compete with the honest spirit made in this country, there was also a large amount of spirit which came from abroad, which was in no way entitled to such censure. In fact, he believed that the spirits which were imported from

Germany were largely used for rectifying when they came to this country, and that the spirits were kept a long time in Germany before they were sent here. Therefore, a large proportion of the 35,000 gallons which came from Germany was in no way to be classed with the bad spirits. A very large amount of it was kept a long time in Germany before it was sent to the market here; and he did not think it would be fair that such spirits should be forced to be kept in bond for the space of one year before it could be put in the market. No doubt, the Bill might affect the Revenue, because he supposed it would be necessary to increase the staff of officers; but he did not mention that as an objection to the measure. He thought, however, that its effect would undoubtedly be to throw on the foreign trader a certain amount of expense, inasmuch as his capital would be locked up for a year, and that expense must necessarily, sooner or later, come out of the consumers' pocket. Before they closed the discussion on the second reading of the Bill, there were a good many other points which he should like to bring to the notice of the hon. Member for Limerick County (Mr. O'Sullivan). There was one especial point which really affected the trade. At the present moment a very large proportion of the 5,000,000 gallons of proof spirits now delivered direct from the distilleries and warehouses were above proof, and were used almost immediately by the rectifiers for the purpose of improving foreign brandies. If those spirits were to be kept for a year in bond, as they would have to be under the Bill, the rectifiers would be unable to use them at once, the strength by keeping would be reduced, and the rectifiers would have to use spirits of a strength they did not want. He merely wished to call the attention of hon. Members to that, because if the Bill went into Committee, it would be necessary to amend it after consultation between the rectifiers and the Board of Inland Revenue. Another objection which he had to make to the Bill was this—He did not see why the Bill was merely to affect spirits containing 60 degrees of alcohol. He objected to the word "alcohol," and he objected to 60 degrees, because he did not see why they should apply that limitation. There was another point in the Bill to which

he wished to direct the attention of the House. As the measure was drawn, it was hardly clear that the bonding-warehouses belonging to private individuals, and not in any way licensed, but merely approved by the Inland Revenue, would come under the operation of the Bill, and if that were the case, the Bill would become practically a dead letter. These were the objections which seemed to strike him on the face of the measure; but if some alterations were made in the direction he had pointed out, he should not, on behalf of the Government, oppose the second reading of the Bill, the object of which seemed to be the very laudable one of destroying the traffic in spirits of an injurious character. It would be a matter of congratulation if its adoption would ultimately remove the evils that were complained of, and which might tend to a diminution of drunkenness.

MR. O'SULLIVAN briefly replied, expressing his willingness to amend the measure in Committee by exempting old spirits from the operation of the Bill. The reason for not going below 60 degrees of alcohol was, that there was a great deal of wine imported into this country which contained 40 degrees of alcohol, and he did not wish to interfere with wine. As to rectifiers being interfered with, he certainly thought that if they sent a bad spirit they ought to be interfered with. However, alterations could easily be made in the Bill in that respect when they got into Committee, if the House thought fit, and also in the direction which had been pointed out by the hon. Baronet the Secretary to the Treasury (Sir Henry Selwin-Ibbetson).

MR. RAMSAY said, he was extremely sorry to hear the hon. Baronet's (Sir Henry Selwin-Ibbetson's) observations, for he (Mr. Ramsay) thought it was his lack of acquaintance with the history of bonding spirits and the laws affecting distilleries that had caused him to make the concession he had done. The effect of the Bill on the makers of spirits would simply be to require them to provide warehouse accommodation for the total quantity manufactured for the next 12 months after the passing of the Bill. Did the hon. Gentleman know what that implied? The best of motives might have animated the hon. Member who introduced the Bill (Mr. O'Sullivan);

but more than 25 years ago, when he (Mr. Ramsay) was well acquainted with the details of the working of distilleries, he remembered capitalists among the distillers proposing that they should have a law of this kind enacted, and its being attributed to them that they did so for the purpose of monopolizing the trade. He was sorry the milk-and-water statement of the hon. Baronet should have been made to the House. The Government had justly complained of the waste of time in that House; but he (Mr. Ramsay) thought legislation on a matter of that kind, so completely within the control of the people themselves, was a waste of time and nothing else. He could not see why it should be passed, especially as it had been admitted by the hon. Gentleman himself that its terms were objectionable in principle and in detail. After that, he hoped there would be no more complaint by the Government of waste of time.

Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT BILL.

(*Mr. D. Taylor, Mr. T. Dickson, Mr. B. Whitworth.*)

[BILL 41.] SECOND READING.

Order for Second Reading read.

MR. D. TAYLOR said, that at that late hour of the day, he should in a very few words move the second reading of the Bill—the Landlord and Tenant (Ireland) Act (1870) Amendment Bill—he had the honour to introduce. He should not have undertaken to bring so important a measure before the House, were it not that he felt that it was only required to make a simple statement of the effect of the present Land Act, to convince the House it was necessary to make some amendment in it. The Bill which he had the honour to introduce was almost similar to the one that was introduced to the House by the late Mr. Sharman Crawford, and that was a Bill pretty well known in the House, and thoroughly known throughout the length and breadth of Ireland, and which would for ever be associated with the name of Sharman Crawford and the cause of

Sir Henry Selwin-Ibbetson

tenant right. Every Irishman was persuaded of the importance of the Bill, and the opposition to it came from the hon. Member for East Sussex (Mr. Gregory), who was living away from the country, and was unacquainted with the habits and conditions of the Irish people. He (Mr. D. Taylor) knew it was very difficult for an Englishman to conceive the possibility of a tenant being part-owner of his farm. Nevertheless, there could be no doubt of the fact that by the erection of buildings, by drainage and improvements by the tenants, a real interest was created in the land. The Land Act of 1870 he looked upon as the greatest boon ever conferred by legislation upon Ireland. It was a great thing to promote the improvements and the industries of the country, and at the same time, in a great measure, the interests of the tenant in the farm. But now, after about eight years of action, the Land Act had been found to have failed in several points, and it was with the object of remedying the defects that the present Bill was brought before the House. It consisted of two parts. The first represented exclusively the Ulster tenant right, and the other referred to general provisions, and dealt with the Land Act throughout the whole of Ireland. With regard to the former, he might say the first object of the Bill was to charge the presumption of tenant right in Ulster in favour of the tenant, and the reason of that was this—it was well known there were few farms in Ulster that the custom did not apply to, and the farmers believed it was very hard when the custom, as was well known, did apply, that they were compelled to bring proofs that the custom did apply. And besides that, they did so under great difficulties. Sometimes a tenancy existed for a very long time, the farm having gone from father to son; but, in other cases, the tenant had come there and taken up a new position. Those were the difficulties; but not one of those difficulties would the landlord have in proving the tenant right did not exist, because he, either himself or his agent, and others had records that were in existence, and, therefore, to him the difficulty would be very small in proving that the claim did not exist. He would just read a few words delivered by the Chairman of the County of Enniskillen with regard to

the difficulties of proving that the tenants had the rights. Speaking at Enniskillen, he referred to the prosperity of the district, and mentioned the fact—

“That in the year 1872 there was lodged in the Savings Bank at Enniskillen the sum of £154,000, deposited by depositors, and there was now in the same bank the sum of £169,000, an increase of £15,000 upon the deposits, and there were nearly 4,000 depositors. The savings banks were chiefly supported by the farming class; and, therefore, no man need tell him that the country was in a state of poverty and want whilst there was the fact staring them in the face. He had been under the impression that it would have been better for them to expend their capital in improving the land when protected by tenant right; but on account of the difficulties of proving their claim, he had given up encouraging a tenant to lay out his money on the land.”

Now, nothing, he thought, could show more than that the amount of injury it did to the tenant farmer. The next object was to give the right of sale to the tenant when he had a *bond fide* interest in the soil. He could not understand how there could be any objection to that, with the condition that, when the sale took place, every shilling that the previous tenant owed to his landlord for rent, or for any advance he might have made to him, should be discharged the first thing out of the money received; and the only matter that might be found to be difficult was this—that the landlord should have power to object to any tenant that he considered was not suitable. As a rule, it was of the greatest advantage to landlords that farms should be allowed to change hands, and it was, of course, an advantage to the tenant. The majority of the cases where it would be so advantageous was, where a tenant fell short of capital; and, in such cases, it was also an advantage to the landlord that the tenant should be allowed to sell his farm, so that another man of more energy or means could take it and cultivate the soil, and that also would be an advantage to the country as well as the landlord. There was one point in which the Land Act told very hardly on the tenant, and that was this—that if the tenant were disturbed by his landlord, either by a notice to quit or with the view of getting him out, a tenant could go to court and claim his compensation; but if a tenant wished to leave his farm, no matter how much he might find for his tenant right or for his farm, if he

wanted to leave of his own free will, from any cause, either from inability to continue the work of the farm or a desire to go to any other place, he could not ask his landlord by right of the Act to pay a single farthing for all the interest which he had in the farm, and his landlord could refuse him anything he demanded as tenant right claims. He could refuse to let him sell the farm, and the tenant might be compelled to leave everything, supposing the circumstances were such as to make it necessary for him to leave. He asked the House, if that was the condition to leave tenants in, and, above all times, when the general depression was so great? Now, the fact of the landlord being able to refuse the tenant liberty to sell gave him enormous power, either with respect to fixing the amount of his tenant right or making any other conditions. It was a very hard thing for any man who wished to sell his farm. A man wishing to sell went to the agent and told him, upon which the agent said he should ask from the new comer an increase of rent of, say 5s. or 10s. an acre. There was a man living upon an estate upon which there was a property valuation at intervals, say of 10 or 20 years; but the moment he wanted to sell his farm a barrier was put on his farm that did not exist upon any other farm upon the estate. He was glad to say that, although those incidents were frequent, and were well known by the number of cases that were reported from time to time as existing throughout Ulster, they were not so frequent in the other parts of the country with respect to other tenants. Some landlords did all they could to assist their tenants; but he was sorry to say that there were others who followed out an opposite course, and said to their tenants—"You have now got your Land Act; stand on your rights. We will stand upon ours." And they took every advantage the Act gave them to try and set aside what the landlords would have granted before the Land Act was passed and became law. Now, with regard to the other clauses referring to leasehold tenant right, he need not say anything, as the House had passed, at former times, a Bill of the noble Lord the Member for Down (Lord Arthur Hill-Trevor), which stood for second reading. As a general rule, he thought it was in the interests of

Mr. D. Taylor

landlords that every encouragement should be given to the tenant farmer to create improvements, and until they gave an undoubted security they could not expect tenants to put their capital into the farms. He could not better illustrate the value of tenant right than by reading a line or two from a letter he had received upon the question from a farmer. The farmer said—

"The tenant's right suffers. It is the sliding scale that must stand the pressure between good and bad times. The landlord knows if his rents run behind in bad times they are perfectly secured by the tenant right of the farm, which will be sure to realize all he has against it when times improve. But the poor down-trodden farmer has no security, or comparatively none, for his investments in the soil."

That was the feeling which was in the mind of the tenant, and which prevented him from investing his money in the ground, and which caused a great deal of the capital to flow into the savings' banks, because the savings' bank of Enniskillen was no exception. In the borough which he had the honour to represent—Coleraine—although only a small place, there was a sum of money nearly equal in amount, and that amount, as he knew very well, was from tenant farmers. The security that the tenant right gave could be seen from the comparative security given in Ulster at the present time. In Ireland they had nothing like what they had in England, with regard to tenants noticing their landlords and giving up their farms. An hon. Member of that House told him, a few days ago, he was in charge of a number of farms—he (Mr. D. Taylor) believed, in Kent—and he said that one of the tenants gave notice he was obliged to leave the farm, of which he had been tenant for a number of years. The hon. Member said he regretted to lose so good a tenant, and urged him to remain; but the tenant said he could not afford to continue longer in possession of the farm. When asked to make an offer he declined, and further said he could not continue on the farm, even with a reduction in the rent of 25 per cent. At last, he offered to take a reduction in the rent to 45 per cent, and refused to increase his offer, and left, stating he could not afford to remain longer. Another hon. Friend told him he had three farms, the rental of which was upwards of £1,200, and the whole of the three farms were under notice to quit, and he

did not know where he should get a tenant to succeed those who were leaving. Therefore, in times of great depression, he thought the principle of tenant right was a good one for landlords. Then his Bill provided general powers applicable to all Ireland. There were powers with regard to the arrangements of rent without going through the process of notice to quit, and there were greater facilities introduced in what were called the Bright Clauses. All those were most important provisions, and he trusted that they would consider that everything that could be done by any possibility for persons in the present state of agriculture ought to be done. He thought the time had fairly arrived when the House might well deal with the question. The Land Act had done a great deal; but, in the opinion of everyone who had seen the working of it, it required some important alteration, and for that purpose he introduced the Bill, the second reading of which he now begged to move.

Motion made, and Question proposed. "That the Bill be now read a second time."—(*Mr. D. Taylor.*)

MR. GREGORY, in moving, as an Amendment, that the Bill be read a second time that day three months, said, he objected to the Bill as containing provisions of a very objectionable character, and as being of too general an application to carry out the results professedly contemplated. The Bill was not one at all in the character of local application; but one which was of such an elastic nature that it might generally be applied to the relations of landlord and tenant, not only in Ireland, but throughout the United Kingdom. Instead of being an amendment, as it professed to be, of the Land Act of 1870, it appeared to him to be a violation of the principle on which that Act was framed. That Act was intended as a settlement of the Land Question, and this disturbance of its conditions was prejudicial to the interests of Ireland. The Bill proceeded on the assumption that one general custom prevailed throughout the Province of Ulster; but that assumption was negatived by the Land Act of 1870. According to the present law, the onus was thrown on the tenant of proving that the right in respect of which he claimed existed; but, by the present Bill, if it became

law, the onus in question would be shifted from the tenant to the landlord. The presumption that the custom existed was to prevail, unless the landlord could disprove its existence. Then, again, the Bill sought to give the tenant a right to go to the Quarter Sessions Court and have his rent re-assessed by the Chairman of that Court. What did that provision really amount to? It would simply transfer the land to the tenant, and reduce the landlord to the position of owner of a rent-charge on his own estate, the amount of the rent-charge to be fixed by a Court. Surely such a provision as that could not meet with the approval of the House of Commons. Well, it was said that the operation of the Bill was to be confined to the Province of Ulster. Did any hon. Member think for a moment that such would be the case? If the principle of the Bill were once established, could there be a doubt that there would be an effort made to extend it all over Ireland, if not all over the United Kingdom? The Preamble of the Bill stated that difficulties had arisen in the carrying of the provisions of the Land Act into effect. He (*Mr. Gregory*) had listened in vain to hear what those difficulties were. There might, no doubt, be difficulties in proving the existence of the custom or usage; but they were no greater than occurred every day in proving disputed claims set up in respect of other matters. The hon. Member for Coleraine (*Mr. D. Taylor*) had stated that large deposits of money were being made by the tenants all over the Province, and he spoke of the flourishing condition of the tenantry. Well, were these reasons for changing the state of things under which the tenants so flourished as to be able to make large deposits? Little pressure, the hon. Gentleman added, was brought to bear upon the tenants. Was that a reason for passing such a Bill as the present? Could it be doubted that if the Bill were passed it would be used as a lever for its extension to the Provinces of which it could be said that the tenant farmers were not so prosperous as were those of the Province of Ulster? There were other grounds of objection to the Bill, one of which was the provision that the tenant's claim for compensation was not to be defeated by the fact of his accepting a renewed letting of his land. But what could be a greater proof of his

waiver of all claim for compensation than his voluntarily surrendering one contract and entering into another? Another objection was to be found in the proposal to alter the provision of the Land Act as to the amount to be advanced to the tenant, an alteration which he feared would leave a very narrow margin of security for the advance. The Bill was, in short, a violation of the rights of property. It would introduce a totally new principle into the relations between landlord and tenant by creating a new law and usage as against the landlord, and by practically reducing him to the position of an annuitant or owner of a rent-charge, and depriving him of all the incidences of ownership; and the House could not doubt that if those provisions were applied to Ulster they would soon be extended to the other Provinces of Ireland. He begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Gregory.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. LAW, in rising to support the Bill, said, with reference to the observations of the last speaker (Mr. Gregory), he (Mr. Law) would admit that it was difficult to get English Members to understand the relations of landlord and tenant in Ireland. They seemed, in fact, to require fresh explanation every year. Accordingly it had been just stated that no ground existed to justify the introduction of this Bill; but he (Mr. Law) hoped to show that there were good reasons for the proposals of his hon. Friend; and reasons which had been given, and more than once admitted to be sufficient even by hon. Members opposite. It was objected by the hon. Gentleman that the Bill contained a clause providing that the amount of money to be advanced by the Board of Works to tenants for the purchase of their holdings should be increased. He (Mr. Law) did not know if the hon. Gentleman was aware that the Committee which sat to consider the subject had unanimously recommended an increase, and, by a majority, an increase to the extent of four-fifths, as proposed by the Bill. The substance, however, of the proposal was that the

amount should be increased. A still stranger mistake was made with respect to another provision, which was also unanimously recommended by the same Committee—namely, the repeal of the clauses of the Land Act, which forfeited the holding if the tenant assigned it without the consent of the Board. Prohibition of sub-letting and sub-division might be reasonable; but what difference did it make to the Board or the Treasury whether the mortgaged holding still remained vested in the original purchaser or his heir, or had been transferred to another subject to the charge? However, the Bill on this point also was founded on the Report of the Irish Land Act Committee. He would now refer to the leading provisions of the Bill, with respect to the Ulster custom of tenant right. The framers of the Bill had attempted to describe what was the essence of the Ulster custom, and he (Mr. Law) thought they had successfully made that attempt. When the Land Act of 1870 was under consideration, it was admitted that, whatever might be the subordinate variety of details in connection with the custom of tenant right, there was this in it under all its variations—namely, the right of sale. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) on that occasion observed, in reference to the custom, that although, as insisted by those who resisted the measure, the tenant right might wear a variety of forms, still those forms were all based on one common model; were all modifications of one substantial right, and that was the right of the tenant to sell his occupation. He (Mr. Law) too was glad to find that his right hon. and learned Friend opposite (the Attorney General for Ireland) did not disagree with that description of tenant right; for, in a speech which he made in that House some three years ago, he said it might be stated that under these tenant right usages the tenant had always a right of sale subject to the approval of the landlord. It therefore seemed to him (Mr. Law) that the Bill of his hon. Friend very properly took the right of selling as the thing to be described. Well, then, if that rightly described the essence of tenant right, was it a reasonable thing to impose on the tenant the obligation of proving that the custom existed on his particular holding? It was notorious

Mr. Gregory

that the custom existed in 99 cases out of a 100 holdings in Ulster, and it appeared to him (Mr. Law) to be only in conformity with common sense to make the presumption in favour of what was general, and not in favour of what was exceptional. However notorious its existence might be, there was often difficulty in the tenants proving it. Difficulties, too, were thrown in his way now which did not exist originally; and it could not be denied that he had not the same facilities for proving that the custom existed which the landlord had for proving its non-existence in any particular instance. One of the County Court Judges, in Ulster, said, in a case brought before him in 1875, that since the passing of the Land Act every case was contested, and that the tenant right, which, before 1870, had been universally admitted, was now almost as universally denied. Another Judge said, in 1876, that though he felt bound to say that in the case of the large estates no difficulties were placed in the tenants way, yet, where there were new proprietors, especially of small estates, he almost invariably found that efforts were made to baffle and render nugatory the Land Act of 1870. Just consider for a moment the position of the tenant. An estate, for instance, might be sold in small lots, and years afterwards how was the tenant on one of these lots to prove that his holding was once part of that large estate, and that the custom prevailed on the estate when it all belonged to one landlord? He could produce none of the title deeds. The only means he had of proving the original unity of the estate was, that as long as persons lived who remembered the payment of rent by all to the same landlord he could bring them forward; but, surely, that could not be regarded as a satisfactory foundation for the tenant's title. Accordingly, another County Court Judge, the other day, said that in Ulster the law ought to provide that the presumption should be in favour of the tenant right in its largest form, leaving to the landlord the onus of disproving its existence or restricting it, and added that he hoped sincerely there would be legislation upon this point. It was notorious that in Ireland the tenants generally made the improvements; and, therefore, in the Land Act of 1870, the Legislature very properly enacted the presumption that they belonged to the tenant, unless the contrary could be proved by the landlord. Now, in reason and fairness, on whom should the burden of proof in this case rest? Should it rest on the tenant, in a tenant-right county, or should it lie on the landlord to disprove it? He should like to know how this matter stood in Lincolnshire; and whether it was in each case necessary for a tenant to prove that the custom of the country affected his holding. But, however that might be, he (Mr. Law) submitted that it was desirable and right to make the presumption in favour of the custom which Parliament had declared to be "prevalent in the Province of Ulster," as was proposed by the 2nd clause of this Bill. But exception had been taken to the part of the description of tenant right which qualified the right of selling in two respects; first, that it must be subject to a "fair rent;" and, secondly, to a person to whom the landlord should not make "reasonable objection." Here, again, the hon. Gentleman had fallen into an error. The Irish Courts had repeatedly laid down that the rent could not be indefinitely raised, and that the landlord could not object to a purchaser without good cause, and thus, in effect, prevent the tenant from selling. Was it an unfair thing to ask that the landlord should make only a reasonable objection? That was what the Ulster custom always was. He did not believe that any Ulster landlord, many of whom he saw on the benches opposite, would support the hon. Member for East Sussex in his view. What was the language used by two Lords Chief Justices, both of whom were taken from the other side of the House? Chief Justice Whiteside used the same language as Chief Justice Morris:—"It must be a reasonable objection, otherwise the right of the tenant might be absolutely destroyed." That was simply a true description of the existing tenant right. Under these circumstances, he did not think any hon. Member would say that the proposal contained in the clause was a very extravagant one. With respect to the principle of the 4th clause, that had been affirmed by the Courts over and over again. His right hon. and learned Friend (the Attorney General for Ireland) knew that the mode of transferring these holdings was not by deed, but by what legally amounted to a surrender to the landlord and a re-letting to the new tenant or assignee; and when, in 1870, it

was proposed to make the non-payment of money inconsistent with the existence of tenant right, it was shown that the adoption of such a clause would tend to abolish the custom in the majority of cases. With regard to office restrictions on the price for which a farm was to be sold, he would remind the House that it had long been a crime for officers in the Army to take more or give more than a regulated price for their commissions; and yet, after more than a century of trial, that prohibition was found and admitted by Parliament to be futile. As the Report of 1870 truly said—

“Where one man has something of value to sell which can legally be sold, and another man is desirous of purchasing it, it has been found useless to prescribe by law or regulation the precise terms on which the sale shall be effected.”

Accordingly, when Purchase in the Army was abolished, compensation was given by the Legislature, not on the regulation prices, but on the actual value of the Commissions. Just in the same way with respect to tenant right—no matter what regulation prices might be prescribed by some landlords or agents—everyone knew that in fact the full market value was paid by every purchaser; and before the passing of the Land Act, if the landlord took up a holding from his tenant, he paid the full price for it, or, if he did not, was regarded as having violated the custom. He now came to a clause of considerable importance, applicable to the whole of Ireland, and that was the one with regard to the ascertainment of fair rents. There was no doubt that, so far as his inquiries went, the grievance of the tenants was not so much wholesale eviction, but having to undertake to pay more for their farms than they could really afford to pay. Landlords were forced by the existing law, though they merely desired to raise the rents of their tenants, to serve ejectments upon them; but along with the ejectments went notices to the effect that they would not be proceeded with in the event of the tenants agreeing to an increase in their rents. Now, what the Bill proposed was this—it gave the Chairman power to arbitrate between the parties and to fix a fair rent. At present, he could only order the eviction of the tenant, which the landlord did not desire, and give to the tenant compensation for disturbance, which he did want. His hon. Friend proposed to provide machinery whereby

Mr. Law

the Chairman could do for each party that which each desired to have done. In conclusion, he (Mr. Law) submitted that this and the other provisions of the Bill which was applicable to all parts of Ireland would work substantial good, and would tend to the mutual good understanding of landlord and tenant. He must say it was somewhat curious that the first to take up the discussion should be the hon. Gentleman opposite the Member for East Sussex; but he trusted that before the debate closed the House would be assisted by some of those hon. Gentlemen opposite whose connection with Ireland, and especially with Ulster, enabled them to speak with authority upon the subject. Meantime, he ventured to express a hope that the House would favourably consider the measure of his hon. Friend.

Mr. A. GATHORNE-HARDY said, that after listening to the speech of the right hon. and learned Gentleman who had just sat down (Mr. Law), he did not feel more favourably disposed towards this Bill than previously. The statement of the right hon. and learned Gentleman that the 2nd, 3rd, and 4th clauses of the Bill were merely declaratory of the existing law could scarcely be accepted as correct; although the right hon. and learned Gentleman seemed to have established the fact, as far as he himself was concerned, that the measure he supported was unnecessary. The hon. Member in charge of the measure (Mr. D. Taylor) had objected to the opposition to it proceeding from England; but until hon. Members representing Irish constituencies were successful in obtaining that Home Rule for which they sought, English Members could not divest themselves of responsibility when great principles were at stake, merely because the measure was one relating to Ireland; although, of course, the opinions of hon. Members from that country should receive special consideration when advanced on the subject of land tenure. The course which had been taken of late by hon. Members opposite was not calculated to induce the House to make concessions to the sister country. Some years ago, in the time of that eminent man, Sir John Gray, whose services would never be forgotten by his country, when £80,000,000 were handed over from the landlords to the tenants, the Land Question was practically settled, and he (Mr. A. Hardy) protested

against the course adopted by hon. Gentlemen from Ireland who came to the House year after year, like Irish Oliver Twists, asking for more. The question, therefore, was, could that House in fairness, justice, or prudence, make any further concessions to the Irish tenants at the expense of their landlords? He thought not. As had been already stated, the so-called Ulster tenant-right custom was, in truth, no custom at all, but a mere collection of varying usages, which differed in every county and in every parish in the North of Ireland. The right hon. and learned Gentleman opposite (Mr. Law) said that one usage was common to the whole of the Ulster custom—namely, the power to sell. Now, granting that was so, though there was the power to sell, yet the way in which that power was exercised widely varied in the circumstances and the manner in which it was exercised. The principle of the measure was contained in its first five clauses. By its 2nd clause, which might be said to be the most important, it was intended to shift the burden of proof from the tenant on to the landlord; and the right hon. and learned Gentleman opposite considered that reasonable, because, if the customs were known and notorious, there would be no difficulty in the tenant proving this. But, nevertheless, he (Mr. A. Hardy) could not see the justice of throwing on the landlord the burden of proving a negative, and he could not conceive how, except in cases where the estate had been in the same family for a very long time, the landlord could satisfy a tribunal that the custom did not exist, especially where the general feeling was strongly in favour of the Ulster custom. With regard to the 3rd clause, in the absence of proof of special custom, the existence of a lease ought to be accepted as the strongest proof that the custom did not apply. In reference to the 4th clause, he did not object to the continuance of the right of sale where that right already existed; but he objected to the custom being forced upon the rest of the country. The 5th clause proposed to effect a change in the law which was most objectionable, inasmuch as it altogether took the control of their property out of their hands, by compelling them to accept any tenant who might purchase the right of succession to a farm, irrespective of his solvency. Surely there was no justification for removing from

the landlord, in the manner proposed, all restrictions over his tenant, all control over his property in this respect. As to the question of valuation and rent, he did not see why that element should not be settled by contract rather than by arbitration. For these reasons, he should support the Amendment of his hon. Friend the Member for East Sussex (Mr. Gregory).

COLONEL COLTHURST took exception to the remarks made by the last speaker, the hon. and learned Member for Canterbury (Mr. A. Hardy). The hon. and learned Gentleman referred to what took place some years ago, when £80,000,000 was handed over to the tenants of Ireland from the landlords, and he stated that it was unfair to come to the House year after year to seek to amend the Land Act. In his (Colonel Colthurst's) opinion, the Bill was not intended in any way to interfere with the Act of 1870; it merely sought to confer on tenants the privileges intended to be granted by the Act of 1870; but which, by some obscurities in the Act, and by decisions of the Courts, tenants did not receive. In doing that he contended that they were only endeavouring to obtain what was just and fair. He thought that in this question of rent the privilege they gave to the landlord should be given to the tenant; and he, therefore, hoped the House would favourably consider the Bill. The essence of the Ulster custom was, that the rent should be a fair and reasonable one in accordance with the custom of the neighbourhood; and though it might be subject to a rise, owing to a sudden increase in the price of land, or any commodity, rent could not be raised by any act of the tenant or his predecessor on the farm. Therefore, if they recognized tenant right at all, they must recognize some arbitration outside either the tenant or landlord, by the establishment of tribunals for the settlement of fair and reasonable rents. The Ulster custom imperfectly provided for that; but in other parts of Ireland there was no such provision; and if a landlord wished to increase his rent, he must do so by means of a notice to quit. These notices might be, and often were, misunderstood, and many notices to quit had been quoted as instances of eviction. Therefore, in the interest of the landlord, it would be an advantage to have a tribunal to settle these disputed questions otherwise than by notice to quit. The

Bill also provided for an appeal by the tenant in those cases where his rent appeared excessive; and he should have been glad if his hon. Friend the Member for Coleraine (Mr. D. Taylor) had gone further, following the advice of Chief Justice Whiteside, whose words were, speaking of the Ulster tenant right—

"That the principle which had worked so beneficially in Ulster should be extended to the rest of Ireland."

But the Bill as it stood would, in his opinion, work considerable good, and he would ask the House to give it a second reading.

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) said, that to his great regret there was but little time, indeed, only a few minutes, left to him to make some remarks upon the Bill; and he must necessarily, therefore, be brief. He was sure that everyone would be desirous of doing anything that would benefit and advance the position of the tenants of Ireland, and those for whom this Bill was intended—namely, the farmers of Ulster. The hon. Gentleman opposite (Mr. D. Taylor) had stated that that had been his object in introducing the Bill; but he did not think that the hon. Gentleman himself, in his moderate and fair speech, had made out any case in the circumstances of that part of Ireland to which the Bill referred to justify any considerable change being made in the state of the law. He clearly stated that there were very few cases of hardship existing between tenant and landlord, and mentioned that there was great agricultural depression existing in all parts of the country except in Ulster. Looking at those statements, he (the Attorney General for Ireland) certainly did not think that they were calculated to bring the House to think that any change in the direction proposed by the Bill was required in that part of Ireland. Then his right hon. and learned Friend opposite (Mr. Law) took two or three cases out of the records of the County Courts to show that hardships had existed, and referred to judgments—one in the year 1875, another in the year 1876, and another in the year 1879; but he failed to point out that the result of those decisions was that the present law was incapable of dealing with such cases. The Courts were open to the tenants just as

they were open to the landlords. If the Judges had a case of hardship brought before them, they did not hesitate to say so, and punish the landlord by giving the tenant full measure of justice. What did the Bill ask to do in the main? It sought to do what was an admitted impossibility, and that was to give a hard-and-fast definition of the Ulster tenant right custom. It must be conceded that the usages of the tenant-right custom were numerous and very extensive in their incidents, and that they differed widely even in the same county, and, he believed, sometimes in the same parish. What the Bill proposed to do was not only to shift the onus of proof, but to assume against the landlord the strictest form of tenant right. That was a very stringent proposal, especially when it was stated by the hon. Member who introduced the Bill that there was no real necessity for it. The hon. and learned Member for Canterbury (Mr. A. Gathorne-Hardy), in the very clear and sensible remarks he had made, had properly said that the right hon. and learned Gentleman (Mr. Law) had conclusively shown that Clauses 3 and 4 of the Bill were unnecessary. He quite concurred in the view taken by the hon. and learned Member of Clause 5, which appeared to him to be the clause which contained largely the principle of the Bill, and to it he had the strongest objection. It provided that the tenants should have the right of sale, and not only so, but sale by auction, and should have the right to present to the landlord a tenant not to be selected by the ordinary mode of selection, but a tenant selected at the auction, after all the statements generally made at an auction. He wished to know was that a kind of clause which could be accepted by any reasonable man, or whether it would be reasonable for a landlord to accept a tenant who had been selected for him by the rough process of an auction? The principle that right of sale by public auction should be held by the tenant was condemned in 1875 by the noble Lord the Leader of the Opposition (the Marquess of Hartington), and the clause now appeared again at the end of five years. Therefore, he was entitled to say that the clause in question was of the greatest importance in considering the Bill. But what was the case? However important the clause, he (the Attorney General for Ireland) had noticed that the hon.

Colonel Colthurst

Member for Coleraine (Mr. D. Taylor) had passed it over without alluding to a single syllable contained in it. Then there was another provision in the Bill, and it was that the tenant might sell without having reference to restrictions as to the price which might have been placed upon the property previously. A landlord might wish to get a solvent tenant, and, in the interests of his tenants and his estates, would not have an impoverished tenant, or one who would give an extravagant price for the land at an auction, and might not desire any person to farm his estate who had given more than five or ten years' purchase. But the clause said in effect—although a tenant might have been restricted from giving for his tenancy more than five years' purchase, yet he might turn round and dispose of his holding by private sale or by auction. He could not see how this could be accepted without grave qualification, and could only imagine that these provisions had been put in the Bill merely with the object of catching a stray vote or two in Ireland. Under those circumstances, and others, he was unable to support the Bill before the House.

MR. GOLDNEY regarded the measure as a most extraordinary one, and contended that it sought to interfere with a most important principle. The hon. Member was proceeding—

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 3rd July, 1879.

MINUTES.—*Took the Oath for the first time*—The Lord Bishop of Durham.

PUBLIC BILLS.—*First Reading*—Inclosure Provisional Order (Whittington Common) * (136).
Committee—Salmon Fishery Law Amendment (No. 2) * (126).

Third Reading—Valuation of Lands (Scotland) Amendment (130); Supreme Court of Judicature (Officers) * (129); Dispensaries (Ireland) * (88), and *passed*.

Withdrawn—Divinity School (Church of Ireland) (36).

Royal Assent—Consolidated Fund (No. 4) [42 & 43 *Vict.* c. 20]; Customs and Inland Revenue [42 & 43 *Vict.* c. 21]; Statute Law Re-

vision (Ireland) [42 & 43 *Vict.* c. 24]; West India Loans [42 & 43 *Vict.* c. 16]; Costs Taxation (House of Commons) [42 & 43 *Vict.* c. 17]; Racecourses (Metropolis) [42 & 43 *Vict.* c. 18]; Habitual Drunkards [42 & 43 *Vict.* c. 19]; Hares (Ireland) [42 & 43 *Vict.* c. 23]; Prosecution of Offences [42 & 43 *Vict.* c. 22]; Local Government (Ireland) Provisional Orders (Clonmel, &c.) [42 & 43 *Vict.* c. liv]; Pier and Harbour Orders Confirmation [42 & 43 *Vict.* c. lv]; Elementary Education Provisional Orders Confirmation (Brighton and Preston, &c.) [42 & 43 *Vict.* c. lviii]; Elementary Education Provisional Order Confirmation (London) [42 & 43 *Vict.* c. lix]; Local Government (Ireland) Provisional Orders Confirmation (Cashel, &c.) [42 & 43 *Vict.* c. lvii]; Local Government (Ireland) Provisional Order Confirmation (Downpatrick) [42 & 43 *Vict.* c. lvi]; Local Government (Ireland) Provisional Orders (Waterford, &c.) [42 & 43 *Vict.* c. lx]; Public Health (Scotland) Provisional Order (Bothwell) [42 & 43 *Vict.* c. lxi]; Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster,) Improvement Provisional Orders Confirmation [42 & 43 *Vict.* c. lxxix]; Local Government (Highways) Provisional Orders (Buckingham, &c.) [42 & 43 *Vict.* c. lxxvii]; Local Government Provisional Orders (Aysgarth Union, &c.) [42 & 43 *Vict.* c. lxxviii]; Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment [42 & 43 *Vict.* c. lxxx]; Inclosure Provisional Order (Matterdale Common) [42 & 43 *Vict.* c. lxxxi]; Inclosure Provisional Order (Redmoor and Golberdon Commons) [42 & 43 *Vict.* c. lxxxii]; Inclosure Provisional Order (East Stainmore Common) [42 & 43 *Vict.* c. lxxxiii]; Local Government (Highways) Provisional Orders (Gloucester and Hereford) [42 & 43 *Vict.* c. lxxxiv]; Local Government (Highways) Provisional Orders (Dorset, &c.) [42 & 43 *Vict.* c. lxxxv]; Local Government Provisional Orders (Casleton-by-Rochdale, &c.) [42 & 43 *Vict.* c. lxxxvi]; Local Government (Ireland) Provisional Orders Kilmarnock, &c.) [42 & 43 *Vict.* c. lxxxvii]; Local Government Provisional Orders (Aspull, &c.) [42 & 43 *Vict.* c. cv]; Local Government Provisional Orders (Abergavenny Union, &c.) [42 & 43 *Vict.* c. ciii]; Local Government Provisional Orders (Axminster Union, &c.) [42 & 43 *Vict.* c. civ]; Local Government (Poor Law) Provisional Orders [42 & 43 *Vict.* c. cvj].

UNIVERSITY EDUCATION (IRELAND) BILL.

QUESTION. OBSERVATIONS.

EARL GRANVILLE: My Lords, I beg to ask a Question of the noble and Earl on the Woolsack, of which I have given him Notice. A doubt has arisen as to the effect of the statement made by him on Monday on the Irish University question—a doubt which it is desirable to clear up. When the noble and learned Earl introduced this Bill, which was then read the first time, he de-

scribed what were its objects—which may shortly be stated to be these. The Bill, which has since been read a first time, puts an end to the Queen's University in Ireland, without touching the Queen's Colleges or their endowments, and it creates a new University, at present without a name, which will have the power of conferring degrees on the same conditions as the Dublin University can now confer them, and on the same conditions as the London University can confer them in Ireland, and does so at Tullamore and Carlow. Some persons contend that as the noble and learned Earl stated on Monday that as the Government had introduced this Bill contrary to their original intention, in order that their views might be more distinctly and clearly set forth than would be done on the second reading of the O'Connor Don's Bill, the Bill must contain all the Government plan. Others argue that it is difficult to maintain how it could be more difficult and less desirable to unfold in a speech in the House of Commons a plan of such extreme brevity and simplicity as that contained in this Bill, and which makes so little change, than by transferring the scene of action to the House of Lords; and they infer that the Government must intend to supplement it in some other way. I only wish to ascertain the matter of fact, and, therefore, ask, Whether the statement of Monday and the Bill contain the whole plan of the Government, or whether they contemplate any extension of the arrangements?

THE LORD CHANCELLOR: The Bill to which your Lordships gave a first reading on Monday is printed, and in the hands of your Lordships. In answer to the Question of the noble Earl, I have to say that Her Majesty's Government are not prepared to make any proposals dealing with University Education in Ireland at present other than those contained in that Bill.

EARL GRANVILLE: I observe that the noble and learned Earl has used the words "at present." Is the Bill to be part of a scheme which it is not desirable at once to make known?

THE LORD CHANCELLOR: I answered the Question in the ordinary way. When Her Majesty's Government submit a proposal to Parliament in a Bill, that is the proposal which they intend to make.

Earl Granville

DIVINITY SCHOOL (CHURCH OF IRELAND) BILL—(No. 35.)

(*The Earl of Belmore.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF BELMORE, in moving that the Bill be now read a second time, said, that when, some months ago, he explained at length its provisions, he stated that it was founded upon the Report of a Royal Commission. In 1873, the Fellows of the University were relieved from the obligation of taking Holy Orders, or of belonging to any particular denomination. The Protestant Church of Ireland felt that its position, as regarded Trinity College, was seriously affected; and, accordingly, the General Synod of the Church appointed a Committee to take the matter under its charge. The Committee entered into negotiations with Trinity College, and afterwards applied to Her Majesty's Government, who appointed a Royal Commission to inquire into the subject. Of that Commission he had himself been Chairman. The Royal Commission had before them a proposal from the Board of Trinity College, and also a proposal from the Divinity School; and these two proposals, which in a great measure agreed, were to a certain extent adopted by the Commission. They recommended, amongst other things, that the connection should be kept up between the Church and the College by allowing the lecture-rooms of the College to be used for the purpose of the Divinity School lectures, and providing that the lectures should be given free of charge to the undergraduates attending the Divinity School. After he (the Earl of Belmore) had explained the provisions of the Bill, when it was last before their Lordships, his noble and learned Friend on the Woolsack (Earl Cairns) suggested that it was important to ascertain what were the actual wishes of the Church of Ireland and of Trinity College, by which he meant not merely the Board, but also the Senate and the Academic Council, on the subject, and the second reading of the Bill was on that ground postponed until now. The first step was to refer the Bill to the General Synod of the Church; and it was done in this way. The Divinity School Committee drew up a

report of their proceedings for the year, in which they stated all that had taken place up to that time in regard to the Bill, and drafted a resolution recommending that the Bill, as brought in, should be adopted by the Synod. The resolution was—

"That the Synod hereby expresses its earnest desire that the Bill introduced into the House of Lords by Lord Belmore for the future management and control of the Divinity School shall receive the assent of Parliament with as little delay as possible."

That resolution was brought before the Synod in a speech of great force and, if he might be allowed to say so, of great eloquence, by his noble and most rev. Friend near him (Lord Plunket); and a debate ensued, from which it appeared that a very considerable difference of opinion existed among those in the Synod who were members of the College, and also, perhaps, in a lesser degree, amongst other persons. A suggestion was made that the Bishops should be empowered to meet the Board of Trinity College in a conference, and see what arrangement could be come to with reference to the future management and control of the Divinity School. Many persons believed that the connection between the College and Church should be as close as possible—closer, in fact, than was proposed by the Bill. The meeting between the Bishops and the Board did not take place, as only a minority of the Board attended, and there was not a quorum, and the result was left for consideration by the Senate of Trinity College on the 1st of May. The University Senate met, and so great was the interest felt in the question that between 90 and 100 persons qualified themselves to become members of the Senate, in order to be present. A resolution was moved, in these terms, by a member of the Board who was hostile to the Bill—

"That the Divinity School (*Church of Ireland*) Bill be not accepted, inasmuch as it is neither expedient nor just to the College and the University."

That was met by a counter resolution, moved by the Rev. Dr. Salmon, Regius Professor of Divinity—"That the words from 'be not accepted' to the end be omitted"—and this amendment was carried by a considerable majority. Then the supporters of the Bill wished to go on to discuss what the nature of

the connection between the Church and the University should be, the following words having, on the motion of the Rev. Professor Jellett, been substituted for the words omitted:—

"Inasmuch as it appears to the Senate that there are other means by which the connection of the Divinity School with Trinity College can be maintained, and welfare of the school under the conditions, as altered by recent regulations, provided for."

Dr. Longfield, who was acting for the Vice Chancellor, ruled that this could not be done without a further "grace" from the Board. He (the Earl of Belmore) was sure that Dr. Longfield in so ruling was actuated by no spirit of hostility to the Bill, as he was one of the Members of the Royal Commission upon whose Report it was founded; but only doing what he considered it was proper for him to do. A requisition, very influentially signed, was got up and sent to the Board, asking them to authorize, by a further grace, the Senate to consider what legislation they would recommend. The Provost, who was one of the members by whom the scheme of the Bill was recommended, proposed, at the meeting of the Board on the 10th of May, that the following "grace" should be sent to the Senate:—

"That the University Senate do, at its annual meeting on the 21st of June next, consider the means by which the connection of the Divinity School with Trinity College may be fully maintained, and the welfare of the School under the conditions, as altered by recent legislation, provided for."

This was put to the vote, and negatived by a majority of 2, out of 8 members. It was then moved that the following answer to the requisition be sent by the Registrar to the Lord Primate:—

"The Chancellor of the University having desired from the Senate an expression of their opinion relating to Lord Belmore's Divinity School Bill, and the Senate having expressed an opinion unfavourable to it, the Board of Trinity College consider that it is not their part to invite a further discussion by the Senate of the general question involved, especially as Lord Belmore's Bill still remains on the Notice Book of the House of Lords, awaiting the final decision of that House."

The Rev. Professor Jellett moved, in an Amendment—

"That this answer is not satisfactory, inasmuch as it does not contain a full statement of the facts."

But the amendment was negatived, and the original resolution was passed, thus bringing matters to a deadlock; for, while the House of Lords was waiting for the opinion of the Senate, the Senate was waiting for the opinion of the House of Lords. Another meeting of the Board was held at a subsequent day, and the question was re-opened; but nothing came of it, further than that the Vice Provost, who was friendly to the Bill, gave notice that he would, on the next Board-day, move that no alteration should be made in the Divinity School without the consent of the Bishops of the Church of Ireland. On 4th June, the Academic Council, having, on a previous occasion, adopted a resolution that they thought it

"Undesirable that Trinity College should be deprived of any of its funds, provided a suitable endowment could be obtained from other sources,"

discussed the matter, and came to the resolution that it was desirable, having regard to its bearing on the welfare of the Faculty of Arts, that there should be a Divinity School in the College, with due provision for its government, under the changes which recent legislation had made in the condition of the University, and that, accordingly, the Council did not approve of Lord Belmore's Bill as a settlement of the Trinity College Divinity School question. On the 18th of June, a resolution was proposed by Dr. Salmon, to the effect that the Senate having, by their resolution of May 1st, implied an opinion that the altered constitution of the University had made some legislation for the Divinity School desirable, the Council requested the Board to give the Senate an early opportunity of more fully declaring its mind on the subject; but this was rejected by a majority of 9 to 6. Then followed some resolutions, which he asked to be allowed to read at length, as they were the most important of all. They were as follows:—Dr. Salmon moved—

"That it appears to the Council that a satisfactory settlement of the (Divinity School) question can be obtained by following the lines of the Letters Patent, 38 Vic., which established this Council."

To that resolution the following amendment was moved by the Rev. J. W. Barlow:—

"That, while considering it a matter of high importance, with regard to the welfare of other

Faculties, that there should be a Divinity School in the University, this Council is of opinion that the time for final legislation on the subject has not yet arrived."

The foregoing amendment was negatived by a majority of 11 to 3, and Dr. Salmon's resolution passed by the same majority. The following resolution was moved by the Provost, and passed by a majority of 11 to 3:—

"That it is expedient that the Bishops of the Church of Ireland be invited to take part in the government of the Divinity School."

The following resolution was also moved by the Provost, and passed without a division:—

"That the annual sum at present expended on the Divinity School of Trinity College be secured for the permanent maintenance of that School."

The Board of Trinity College having declined to re-open the question, and the Academic Council having expressed in general terms what they thought would be a fair way of bringing about a compromise, the matter so stood till the other day, when the General Synod adopted the following resolution:—

"That, having regard to the resolution adopted by the Senate of the University at its meeting on the 1st of May last, this Synod is not prepared to press forward during the present Session the Divinity School (Church of Ireland) Bill."

An amendment was moved that the words "during the present Session" be omitted; but that was lost. Some other resolutions were afterwards carried; but as he (the Earl of Belmore) had not followed the Bill up—not being a member of Trinity College—since the first day's discussion in the Synod, he would leave his noble and most rev. Friend (Lord Plunket) to describe them to their Lordships. There was, however, one point on which he desired to say a few words, and that was as regarded his own position in respect to the measure. In his motion against the Bill in the Senate of the University, the Rev. Dr. Carson made a speech, which he had no doubt—for he (the Earl of Belmore) knew him very well—was a very able speech; it was certainly a very long one. He first proceeded to prove, what he should have thought required no proof, that Trinity College was not founded exclusively for the education of the clergy of

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the Protestant Church of Ireland. At the same time, he did maintain that the Divinity School—technically, he granted, the School of Trinity College—was also, practically, the School of the Church; for it was the only School in which the great majority, at least, of her clergy had been trained. Dr. Carson then went on to find fault with himself (the Earl of Belmore) for bringing in the Bill. That was not the first or the second time, in the course of his (the Earl of Belmore's) public life, in which he had been found fault with, and he dared say it would not be the last. But this Bill was, in fact, only carrying out what had been, so lately as 1876 and 1877, the proposal of the Board itself; and to show that it was so he would read an extract from a letter which he had lately received from the Provost. The Provost said—

“It is right to observe, however, that an Act of Parliament, such as that for which your Lordship has brought in a Bill, was the only means by which the resolutions of the Board of Trinity College—resolutions repeated in nearly every year from 1870 to 1876 inclusive—could have been carried into effect. When your Lordship, therefore, undertook, at the request of the Divinity School Committee, to bring in a Bill into the House of Lords, you were carrying out the expressed wishes of the College as well as those of the Church.”

He thought, therefore, that he was quite within his right in bringing in this measure. He anticipated that his noble and learned Friend on the Woolsack would recommend him to give effect to the resolution of the Synod, and not to press the Bill at present. He was, of course, in their Lordships' hands. It mattered little to him whether the matter were settled by a Bill, or a compromise were to be effected in some other way. As a matter of Order, he moved the second reading of the Bill.

Moved, “That the Bill be now read 2^a.”
—(*The Earl of Belmore*.)

LORD PLUNKET (Bishop of MEATH): My Lords, after the remarks which have fallen from my noble Friend (the Earl of Belmore), your Lordships will agree with me that some statement should be made to this House as to the light in which the Church of Ireland regards this Bill at its present stage. That statement I shall endeavour to furnish. The subject is, I fear, a somewhat dull one, and its details somewhat intricate; but your Lordships will bear with me

as I try to state what I have to say, as clearly and as briefly as the circumstances of the case will admit. In the first place, I think it right to remove one or two possible misapprehensions as to the nature and object of this Bill. This Bill is, in no sense of the word, a claim for endowment, either as regards the University of Dublin, or its Divinity School. It cannot even be strictly described as a claim for compensation. Were it necessary, a claim for compensation might not unfairly be made by the Church of Ireland in respect to its Divinity School. But, in such a case, it ought to be clearly remembered that the equivalent for such a claim on behalf of the Irish Church would have to be looked for, not in the possible endowment of some Catholic University in the future, but in the compensation which has been actually accorded to a Catholic Divinity School in the past. And, in the event of such a claim being made, the last persons to refuse it should be those who, at the time of the passing of the Irish Church Act, welcomed with satisfaction the generous treatment which the Divinity School of Maynooth then received at the hands of the State. But, as I have said, this Bill cannot be strictly regarded as a claim for compensation. It should rather be considered as embodying the terms of an arrangement between the Church of Ireland and the University, which the State is asked, by this Bill, to facilitate and carry into effect. But there is another misconception which I would wish to dispel. It has been thought by some that this Bill indicates a hostile spirit as between the Church of Ireland and the University of Dublin. My Lords, there could not be a greater mistake. The large majority of the members of that University are members of the Church of Ireland. The large majority of those who take a leading part in Irish Church affairs are members of the University. The members of the University love their Church. The members of the Church of Ireland love their University. And here let me take this opportunity of saying that if there have been any apparent differences between the Church of Ireland and some members of the Board of Trinity College, I, for one—and I express the opinions of many others—desire, in the most full and frank manner, to attribute whatever opposition we may have received to a

single-minded desire, upon the part of those from whom we have differed, to promote the welfare of an institution in which they are deeply interested, and of which they may be justly proud. Lastly, I would wish to remove the possible impression that, because this Bill proposes to transfer the funds and the control of the Divinity School from Trinity College to the Church of Ireland, it therefore indicates an aggressive or grasping spirit on the part of that Church. The fact is, as my noble Friend has already pointed out, that the proposal to transfer the control of the School to the Church, and to pay over to the representative body of that Church the sums required for the salaries of its Professors, came, in the first instance, from the Board of Trinity College itself. It was subsequently affirmed by the Report of a Royal Commission on which the University was fairly represented. This Bill may, therefore, with justice, be regarded as due not less to the University than to the Church. And this brings me to the question, what was the necessity that called for this Bill? The answer is a simple one. It was the necessity of finding some remedy for the grievance to which the Church of Ireland had been subjected through the secularization of Trinity College—a secularization effected by the carrying out of what is generally known as Mr. Fawcett's Bill. The nature of that grievance has been so fully explained by my noble Friend that all I need do is to remind your Lordships that, as a result of that legislation, the control of the Divinity School and the appointment of its Professors now rests with a Body which, before long, may be utterly unfit for the discharge of so sacred a trust. My Lords, this is a grievance which is now admitted by all—not only so, but it is also regarded by all as a grievance which demands an immediate remedy. But where is the remedy to be found? Well, my Lords, there is one way in which it could be easily found. The University of Dublin might not only cease to teach theology, but it might resolve to banish theology and religion from within its walls. The Church of Ireland would, in such a case, be compelled to establish a separate Theological College for itself elsewhere. Such a proposition, I am happy to say, has not found favour with either the University or the Church. I cannot

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remember having met with a single member of my Church to whom it has commended itself. It seems, on the contrary, to be the general desire of all that those who are to be trained for the Ministry of our Church should pursue their studies in company with those who are preparing for other Professions, and should imbibe in a University that free, pure air of general learning and culture, and of unfettered intellectual enterprise which is not, as a rule, to be looked for in any merely theological seminary. But there is another way in which it was thought by many that the grievance might be met. It was thought that the University, while ceasing to teach theology itself, might give facilities for the teaching of theology and the payment of Divinity Professors by the Church of Ireland within its walls. It was thought that a separation between these two institutions might thus be effected only in name, and that all those mutual advantages might be preserved which now result from the daily contact and friendly co-operation of religion and learning in our University. This, my Lords, is, in fact, the principle of the Bill now before the House. And I am bound to say that at the time when this Bill was first drawn up, this was the principle which was most popular amongst the friends both of the Church and of the University. And, let me add, it was under a strong conviction that such was the case that this Bill was introduced by the noble Earl and myself to the consideration of this House. I am, however, free to confess that in the minds of some Irish Churchmen this view of the case has been somewhat modified by recent events. And this brings me to review the circumstances which have elapsed since the first reading of this Bill. It will be in the recollection of your Lordships that when this Bill was read a first time, the noble and learned Earl who sits upon the Woolsack expressed a desire that before this Bill should be again submitted to the House some expression of opinion regarding it should be obtained from the Synod of the Church of Ireland, and the Senate and Council of the University. Accordingly, my Lords, this Bill was brought under the notice of the Synod of the Church of Ireland at its recent meeting. No vote was come to, either accepting or rejecting the Bill; but, in the course of debate, it became

manifest that there were not a few members of that Body who would prefer some solution of the question, which would involve a less degree of separation between the Divinity School and the University than that which seemed to them to be contemplated by the present Bill. In consequence of that manifestation of feeling, the Bishops of our Church, after a conference with some leading members of the Board of Trinity College, drew up a series of propositions, embodying an alternative scheme, and submitted them to the consideration of the Synod. No vote, however, was come to, either as regarded the Bill or this alternative scheme, as it was thought well that the Synod should adjourn, pending the meeting of the Senate of the University, which was then at hand. Before, however, the Synod adjourned, certain resolutions, embodying principles of a more general character, and not inconsistent with either the Bill, or the alternative scheme proposed by the Bishops, were passed almost unanimously. To one of these, for the credit of the Church, I would ask leave to refer. Your Lordships will remember that when this Bill was read a first time I ventured to combat what seemed to me an exaggerated fear as to the possible effect of one of its provisions. I mean the clause which gives to the Synod of the Church of Ireland the election of the Body who should have the control of the Divinity School and the appointment of its Professors. It had been assumed by many persons that the Synod, if given this power, would make it the occasion for electing, in the heat and excitement of a popular assembly, and by a tyrannical majority, partizans, whose duty it would be to carry out the particular views of those from whom they had received their votes. Now, my Lords, it is a great satisfaction to me to be able to show that such fears were, as I ventured to anticipate, groundless. And as a proof of this, I need only point to the fact that in one of the resolutions recently passed by the general Synod, on the occasion to which I have just referred, the Synod declared itself willing to leave the control of the Divinity School, and the appointment of its Professors, altogether in the hands of the Archbishops and Bishops of their Church. But to return

to the meeting of the Senate of the University. The Bill now before this House was submitted to that Body, and though the Senate distinctly refused to pronounce the Bill unjust or inexpedient, it declined to accept it, giving as a reason for so doing that there were other means whereby the object in view might be better carried out. It was hoped by many that an opportunity might be given for an expression of opinion on the part of the Senate as to what those other means might be. But, owing to circumstances into which I need not enter, no such opportunity presented itself; and, accordingly, nothing was left for the Synod but to endeavour, on its part, to meet the wish expressed by the noble and learned Earl on the Woolsack, and to put on record, for the information of this House, some specific statement as to its view on this important question. With such an object, the Synod met again within the last few days, and passed certain resolutions. These resolutions I shall not quote in detail; but as they contain the sum and substance of the information for which your Lordships have a right to ask, I must refer very briefly to their general import. In the first place, the Synod resolved that, having regard to the decision come to by the Senate of the University, it was not prepared to press for the adoption of this Bill by Parliament during the present Session. While, however, thus disclaiming any intention of pressing forward this particular Bill at the present moment, the Synod affirmed most strongly that the time for some final legislation had arrived, and respectfully, but earnestly, called upon Government and Parliament to facilitate a settlement of the question without delay. Lastly, the Synod passed a series of resolutions, embodying the alternative scheme to which I have referred as having been submitted by the Bishops to the Synod on a former occasion. I shall not quote these resolutions in detail; but the proposal which they contain may be simply stated thus. They propose that the Divinity School should not merely be the Divinity School of the Church of Ireland in Trinity College, as would be the case under the provisions of this Bill now before the House, but that it should continue to be the Divinity School of Trinity College. These

resolutions further provide for a dual system of government as between the Church and the University. They propose that the nomination of Divinity Professors, and a power to recommend changes in the Divinity course, should be vested in a Council consisting of the Archbishops and Bishops of the Church of Ireland; but that the ultimate appointment of the Professors, and a veto on the recommendations of the Bishops, should rest with the Board of Trinity College. This proposal would seem to be reasonable, and to involve a fair distribution of authority. It gives to the Church an initiative choice in the selection of its teachers, a choice which would naturally concern itself with the question of religious and theological qualifications. Upon the other hand, it leaves with the Board of Trinity College, as a secular body, the power of preventing the appointment of teachers, who, from want of learning or academic culture, might do discredit to the University. Upon this proposition being submitted to the Synod, an amendment was proposed, by which the Board of Trinity College would have been given not only this ultimate power of veto in reference to matters affecting learning and culture, but also a voice in the Council which would have to deal specially with questions of religion and theology. This amendment was, however, rejected by an overwhelming majority; and it was evident from the whole tone of the debate, that the Synod had come to the decision that none of those to whom was to be intrusted the duty of choosing the future teachers of our Divinity School should be appointed to that sacred trust by any secularized body, indifferent, it might be—or even antagonistic—to those interests which the Church is bound to hold most dear. This was the position taken up by the Church at the recent Synod—and from such a position I cannot, for my own part, see how the Church can conscientiously recede. And now, the result of the whole matter seems to me to be simply this. After such an expression of opinion on the part of the Church and University, I do not see how the noble Earl (the Earl of Belmore) can press forward his Bill; and in the interests of peace and conciliation I would venture to suggest that he should withdraw it.

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Before, however, he withdraws it, let me take this opportunity of publicly expressing to him, on the part of the Irish Church, how much we feel indebted to him for having discharged the trust committed to him with all that energy, industry, and practical ability which has so conspicuously marked every stage of his public and political career. And let me add that, though he may now withdraw this Bill, he can do so with the conviction that it has not been brought before this House in vain. It has been the means of calling public attention to the grievance under which the Church of Ireland suffers as regards her Divinity School. It has shown, moreover, that the Church of Ireland is in earnest in seeking for a remedy—and for an immediate remedy too. It has been the means of submitting to this House for consideration and comparison various expressions of opinion respecting the important question at issue. It may not contain within itself the ultimate solution of the problem—but it has, as I believe, cleared the way for the adoption of a solution which may prove more generally acceptable to all concerned, and which will, I trust, tend to knit more closely in the future those ties of mutual good will and respect by which the Church of Ireland and the University of Dublin have been so closely and so happily bound together in years gone by.

THE LORD CHANCELLOR: There can be no doubt considerable advantage has arisen from the discussion and consideration of this Bill that has taken place, as regards both the University of Dublin and the Irish Church. The introduction of the Bill has led to the exchange of opinion between the different persons who have interested themselves in this great question. But I do not think the exchange of opinion that has taken place upon the consideration of the different schemes that have been proposed has gone so far as, in my opinion, they might have gone, for I have no doubt that between this and the next Session of Parliament the consideration of these various schemes will go much farther; and very possibly an agreement may be come to on the more material points between the parties interested. I think that, under these circumstances, my noble Friend who introduced the

Bill may very well adopt the course suggested by my noble and rev. Friend who has just spoken, and will withdraw the Bill.

LORD CARLINGFORD: It appears to me to divide the connection which at present exists without absolute necessity, would be a great mistake; and I think that Trinity College is very reasonable in not allowing the Divinity School and its endowments to pass away from it without the necessity being proved. The reason, however, why I rise is a different one. I wish to point out a fact which is of extreme interest—particularly at this moment—in view of the subject that will come before us next week. Why is it that, in the opinion of so many, including the noble and learned Earl who has just sat down, there is no necessity for removing the Divinity School of the Church of Ireland from Trinity College? The reason is this—that although it has been opened to persons of all denominations, and, therefore, is in the position, we will say, of the University of Oxford; nevertheless, in Trinity College, Dublin, as well as at Oxford, there is, by universal admission, no reason to expect that any substantial change will take place in the denominational character of the University in respect of its Governing Body. It will, for any number of years, be mainly denominational, and consist of members of the Church of Ireland. I remember that on the former occasion when the Bill was introduced, I heard the noble and learned Earl on the Woolsack allude to the alarm prevailing, and say that if at any time the Governing Body of Trinity College, Dublin, were to cease to be a denominational body attached to the Church of Ireland, the case might be very different; but that was a result, he added, which nobody need fear. It is that state of facts that throws considerable light on the University question in Ireland, and when we hear so much of Trinity College being thrown open by law to all denominations it is well that your Lordships should see how the thing works in practice.

THE EARL OF BELMORE said, that in withdrawing the Bill he must say a few words as to what had fallen from the noble Lord opposite (Lord Carlingford). He thought that in Trinity College people would be somewhat surprised at his remarks, but would receive them with a

great deal of satisfaction; because they showed what a complete conversion the views of the noble Lord had undergone since he was a Member of Mr. Gladstone's Cabinet in 1873. As regarded the accusation made against himself, that he (the Earl of Belmore) was trying to injure Trinity College, it was only the other day that one of his late Colleagues on the Royal Commission had reminded him that they had recommended the very utmost in the way of a continuance of a close connection between Divinity School and the College, that they thought there was any chance of Parliament agreeing to. The reason why a Bill was preferable to a Queen's Letter in settling the matter was, that while the latter could alter the government of the School and set aside funds for its maintenance, it could not divest the Corporation of the College of its property in those funds, or create a trust.

Motion and Bill (by leave of the House) *withdrawn*.

THE PARLIAMENTARY PAPERS.

OBSERVATIONS.

THE EARL OF CAMPERDOWN complained that certain despatches relating to Greece, and some also relating to Egypt, which had been distributed to Members of the House of Commons, and extracts from which he had seen in that morning's *Times*, had not reached him or any other noble Lord of whom he had inquired concerning them. He did not know which Member of the Government he ought to address a Question to upon the subject. Perhaps the noble Earl the Prime Minister might answer him?

THE EARL OF BEACONSFIELD: In reference to these Blue Books, I think the Secretary of State, who is not present, would be the person best able to give information to the House. I can only say I have to complain of the same grievance as the noble Earl opposite. I have inquired in more than one quarter the reason why I have not been included in the distribution of these important and interesting Papers, and I have not obtained any satisfactory answer. I can assure the noble Earl that I have myself suffered from not receiving these Papers.

VALUATION OF LANDS (SCOTLAND)
AMENDMENT BILL—(No. 83.)

(*The Earl of Galloway.*)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."
—(*The Earl of Galloway.*)

THE EARL OF CAMPERDOWN: My Lords, in rising to move that this Bill be read a third time this day three months, I will briefly explain my reasons for taking this course. It is within your Lordships' knowledge that in Scotland the valuation of land is conducted under the authority of the Commissioners of Supply, who sometimes act in a general body and sometimes appoint a Committee for the purpose of first making an inquiry, and then reporting the result of that inquiry to them. Hitherto, so far as I know, the valuation of land has been conducted in this manner with perfect satisfaction to everyone concerned. But now, this Bill which has been introduced into your Lordships' House contains a new principle. It contains two provisions to which great objection has been taken. The first is this—that the Commissioners of Supply shall necessarily appoint a Committee to inquire into and determine the value of land; and the second, that the determinations of this County Valuation Committee shall, for all purposes, be deemed the determinations of the Commissioners of Supply by whom they are to be appointed; in other words, the proposal is that the powers of the Commissioners of Supply are to be taken out of their hands, and the sole power of valuation—there being no appeal to the general body of Commissioners of Supply—shall be transferred to a Committee, the number of which is not to exceed 20. Now, I wish to ask your Lordships for what reason is this Bill introduced—for surely there ought to be some reason for making a proposal of this sort? In the first place, who has complained? I am not aware that at any meeting of the Commissioners of Supply any complaint has been made, or that the other House of Parliament has been asked, by any meeting, to adopt a Bill similar to this. We, in this House, have been equally unfortunate. There was no discussion of

the measure on the second reading; and, at a later stage, when there was a discussion, and we put this question to the noble Earl (the Earl of Galloway)—"Who wants the Bill, and who brings it in?"—he answered—"Everybody wants it;" but when he was asked of whom "everybody" consisted? he was unable to tell them, or had been only able to name a single county, that of Lanarkshire. I do not know whether the noble Earl means to say that the County of Wigtownshire, in which he is very largely interested, wishes for this Bill; but, at all events, even if it does, there is a noble Earl in this House—a noble Earl behind me—who has also a very large interest in the County of Wigtownshire, and he is just as much at a loss to understand why this Bill is introduced as I am at this moment. The only reason given to us thus far is that the Lanarkshire Commissioners of Supply are an extremely numerous and unmanageable body. I am not prepared to dispute that proposition; on the contrary, all the little I know is in favour of it; for, for a considerable number of years, we were unable to obtain a Road Act for Scotland, because Glasgow and Lanarkshire were unable to arrange their differences. It is quite possible that this Bill will be found very convenient for the County of Lanark, enabling them to take away powers from the Commissioners of Supply and intrust them absolutely to a Committee of their own body. But I would submit to your Lordships that because the Commissioners of Lanarkshire are an unmanageable body is no reason why you should deprive the Commissioners of Supply of every other county in Scotland of their powers. I should like to hear better reasons for this Bill than those that have hitherto been given. On the last occasion when the measure came before us, we were rather in a peculiar state of circumstances. After an interesting discussion, relating to the London Bridge Bill, your Lordships had disbanded yourselves—or, at least, the greater number had gone away, and there was a very thin House left. This matter came up for discussion; certain Amendments were proposed, and we hoped that my noble Friend opposite who has charge of the Bill (the Earl of Galloway) would have held out the olive branch to us; at all events, to some extent. He

I not do so, however. He opposed Amendments, and the only course was to carry our objections to a Division. As the Division was taken under peculiar circumstances, I have taken the trouble to analyze it; and I find that in English and Irish Peers we on this side of the House were weak, for we had only two English Peers and one Irish, against 13 English and 6 Irish on the other side; but, on the other hand, of Scotchmen, who are the persons most interested, and who I think—without any disrespect to your Lordships—should be the best able to judge of this matter, we were relatively strong, because, whilst seven voted against us, four voted with us—the noble Lord who may be said to represent Lanarkshire being amongst the number. As to the others, I should like to make this observation—that I do not know whether this is a Government Bill or not, as we have never had a statement to that effect; but it was certainly singular the other night to see with what unanimity the Members of the Government, of whom there were a comparatively large number present, voted for the Bill. I do not know whether those Members of your Lordships' House who are not Scotchmen will sympathize with the grounds on which some Scotch Peers oppose the Bill to-night; but I should like to put this matter to Irish and English Peers in a way that would carry conviction with it. To Irish Members I would say, if there ever was a question of Home Rule this is one which can be most conveniently dealt with in that way. To Englishmen I would say, suppose a proposal were made to take away the power of the Justices of the Peace assembled in Quarter Sessions, and to appoint Committees of the Justices, to whom is to be intrusted absolutely the power of valuation without any appeal to the general body, or without its being necessary to obtain the approval of the general body of Justices assembled in Quarter Sessions, would your Lordships support that proposal, or would you not? That is really the whole case, and I do not think it is necessary for me to add another word. If my noble Friend will consent to strike the words I object to out of the Bill, that may exercise some influence upon the course we will adopt. But so long as my noble Friend is determined that

he will absolutely take away this power from the general body of the Commissioners of Supply, without giving some reason for doing so, the only resource left to those who are opposed to the proceeding is to protest against it in every way they can.

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months").—(*The Earl of Camperdown*.)

LORD BLANTYRE pointed out that in Renfrew and other places the Commissioners of Supply appointed Committees to do their work, and from them there was an appeal to the Judge Ordinary. The measure was only following out the general practice adopted in Scotland; therefore, he could not see why the third reading should be opposed. Believing that the measure would give general satisfaction in Scotland, he trusted their Lordships would agree to the third reading.

LORD ORANMORE AND BROWNE said, he could not say anything of the Bill from the Home Rule point of view; but, as a Scotch proprietor, he had been asked by the Convener and a great many of the members of the Commissioners of Supply of the County of Ayrshire to vote against the Bill.

THE EARL OF ROSEBURY: I had hoped that when the noble Earl moved the third reading of the Bill he would have given us some other testimony in its favour besides the single County of Lanark. There are, as your Lordships are probably aware, annually two meetings of Commissioners of Supply of each county, and at these meetings it is the custom to consider all matters affecting the welfare of their county, and to petition for or against any Bill before Parliament, according to circumstances. If there is this unanimity on the part of the Commissioners of Supply in Scotland in favour of this Bill, the noble Earl would, no doubt, have received many Petitions from these Commissioners of Supply in its favour. If the noble Earl has not such Petitions, it seems to me clear that there is no wish amongst the Commissioners of Supply for it. The noble Earl may also tell us whether this is a Government measure or not? This is a matter of some importance to us, and it will be gratifying to the

feelings of some Members of the House if some Member of the Government will condescend to give an opinion upon the Bill.

THE DUKE OF RICHMOND AND GORDON: My Lords, if it had not been that I have been so distinctly appealed to by the noble Earl who has just sat down I should not have trespassed on your Lordships' time. But before I answer the more personal and pertinent question, as the noble Earl has styled it, I will mention one or two reasons to show why I think this a very useful measure. In the first instance, the Commissioners of Supply, it has been correctly stated, represent some hundreds of thousands of annual value in Scotland, and in the County of Lanark the Commissioners of Supply number no less than 750, in the County of Perth 200, and in Forfarshire over 150; and I think it must commend itself to your Lordships' knowledge that matters which are dealt with and relegated to the decision of a Committee are far better dealt with than matters which are deliberated upon by bodies numbering 750 or even 200. Your Lordships may easily conceive that in such large numbers the deliberate and judicial character must be, to a great extent, lost and put upon one side; and it really is thus with regard to the meetings of the Commissioners of Supply, that they have themselves found that it is impossible to carry on the business properly by so large a body, and they have adopted the only course they could adopt, that of relegating the powers of the whole body to a Committee. They set themselves on one side, and relegated their powers to a Committee for their own convenience. But their proceedings might at any time be set aside on the ground of illegality, and on that ground it is advisable that such a measure as this should be passed. With regard to the 4th and 5th clauses of the Bill, which give a statutory character and authority to the Committees, they are modelled on the 39th and 40th of the Queen, which established, with regard to licences in Scotland, precisely the same Committee as that which we propose in regard to valuations. These are some of the reasons which I think ought to influence your Lordships in passing the Bill. I must protest altogether against the doctrine that it is not advisable to pass the measure unless the

whole of Scotland has petitioned in its favour. The fact that the people of Scotland have not petitioned against it must be taken to be a very important one, because the Scotch people generally know what they are about and what is to their advantage, and seems conclusive that they are generally satisfied with the proposals of the Bill. The noble Earl opposite has no right to imagine that your Lordships will take a different view of the matter from that which was taken in the House of Commons, and with which Scotland was perfectly satisfied. One word more as to the character of this Bill. The noble Earl opposite spoke of this Bill as if there was some mystery about it. I can assure him that there is no mystery whatever. It is not a Government Bill; but it has received the assent and cordial approval of the other House of Parliament, and also of the Secretary of State for the Home Department, whose duties are more particularly connected with Scotland; and if the noble Earl is in the least degree doubtful as to the accuracy of my statement, I will clear up that doubt by telling him the names of the three Gentlemen whose names are on the back of the Bill, and I will leave the House to decide as to whether those three names indicate anything of a Government character about the measure. The first name is Sir Windham Anstruther, the second is Mr. Campbell-Bannerman, and the third Sir Graham Montgomery.

THE EARL OF AIRLIE: No doubt, my Lords, the Bill will suit very well the County of Lanark, in which the noble Duke has told us there are 750 Commissioners of Supply, and that that body is so large and unmanageable that they are obliged, in order to get their work done, to take the illegal course of appointing Committees. This may be a very good reason for a permissive Bill; but the fact that this Bill is a very convenient one for the County of Lanark is no reason why it should be equally convenient for the rest of Scotland, nor why they should force each county to appoint a Committee of the Commissioners of Supply to determine questions of valuation, limiting their number of members to 20. In other counties the Lord President spoke of 150 and 200 as the number of Commissioners of Supply, and he mentioned Perth and Forfar as

cases in which there was that number. But, as I am informed, there is an equally large number of magistrates in many cases in English counties who attend Quarter Sessions; yet there is no attempt to take from them their present duties and compel them to appoint Committees to perform some, at least, of their work. In the county with which I am connected there are 300 or 400 Commissioners of Supply, and at one time a Committee was appointed to assist the assessors; but it was found that they could do as well without it, and no Committee was now appointed. I must take exception to what the noble Duke said, when he argued that this Bill should be approved because the whole of Scotland had not petitioned against it. Everybody knows that Bills such as this pass without public notice; you have heard how it passed through the House of Commons; and, in fact, till this Bill came up to your Lordships' House, I am very certain many of you were entirely ignorant with regard to it. The Lord Lieutenant of the County of Forfar, who pays great attention to Public Business, had not heard of it; and many other noble Lords, even those connected with Scotland were perfectly ignorant of it. I cannot, therefore, admit the validity of the answer that has been given by the noble Duke. While, however, I object to the plea of the noble Duke in favour of the measure, I am bound to express my satisfaction that he has not indulged in remarks of the rather contemptuous and disparaging kind such as he used the other night when he spoke of the manner in which the Commissioners of Supply discharged their duties. Whatever may be said about these bodies in other counties, I am bound to say, with regard to those in the counties with which I am connected, that their meetings are conducted with order and in a business-like manner. If my noble Friend who moved the rejection of the measure (the Earl of Camperdown) goes to a Division I shall support him.

THE DUKE OF BUCCLEUCH: My Lords, I cannot see what objection there is to this measure. I have been listening with great attention to what has been said by the noble Earl opposite (the Earl of Airlie), and the objection he seems to feel is that it is proposed to appoint a special Committee of Commissioners from among them-

selves, by whom the appeals should be heard, and that that would be taking the power out of the hands of the Commissioners. But what would be the result? You will have a small manageable body who would go into the matter, rather than a body consisting of a large number who do not go into the matter. I know, from my own personal experience in some counties, that, numerous as these bodies are, it is very often difficult to get Commissioners of Supply together to hear these appeals, and we often have to wait a considerable time. There is another objection to the present system—that it is not entirely free from abuses. I have heard cases—I do not mean to say recently—but I have heard of more than one case where efforts have been made to induce certain Commissioners of Supply to attend, because they were supposed to be friendly either one way or the other, when the appeals were to be heard before them. I have had great experience myself in the conduct of the business by the Commissioners of several counties; and I should say that on the whole the necessity for appointing particular Committees for the purpose contemplated by the Bill is very obvious, and that the Bill will tend very much to the proper and expeditious conduct of business. The fact is, that in some counties Committees were already appointed who reported to the general body, and in every instance the decisions of these Committees have been accepted at once as thoroughly satisfactory. My impression decidedly is that if this Bill is passed it will be beneficial to Scotland. There is one more remark called for in dealing with the objections to the Bill—namely, the absence of sufficient Notice. But, by looking at a copy of the Bill, I find that in December, 1878, it was laid on the Table of the House of Commons. The Bill must, therefore, have been before every meeting of Commissioners of Supply in every county in Scotland at the meeting of the 30th April last. That this was the case I have no doubt; yet we have not heard of a single county having expressed an opinion adverse to it.

On Question, That ("now") stand part of the Motion? Their Lordships *divided*:—Contents 66; Not-Contents 29: Majority 37.

CONTENTS.

Cairns, E. (<i>L. Chancellor.</i>)	Ashford, L. (<i>V. Bury.</i>)
Richmond, D.	Bagot, L.
Abergavenny, M.	Blantyre, L. [<i>Teller.</i>]
Hertford, M.	Brodrick, L. (<i>V. Middleton.</i>)
Amherst, E.	Claubrassill, L. (<i>E. Roden.</i>)
Bathurst, E.	Cloncurry, L.
Beaconsfield, E.	Colchester, L.
Beauchamp, E.	Colville of Culross, L.
Bolmore, E.	Cottesloe, L.
Bradford, E.	Crofton, L.
Cadogan, E.	de Ros, L.
Doncaster, E. (<i>D. Buccleuch and Queensberry.</i>)	De Saumarez, L.
Dundonald, E.	Foxford, L. (<i>E. Linerrick.</i>)
Graham, E. (<i>D. Montrose.</i>)	Gordon of Drumearn, L.
Harrowby, E.	Gormanston, L. (<i>V. Gormanston.</i>)
Lucan, E.	Hampton, L.
Manvers, F.	Harlech, L.
Mar and Kellie, E.	Kenlis, L. (<i>M. Headfort.</i>)
Mount Edgcumbe, E.	Ker, L. (<i>M. Lothian.</i>)
Nelson, E.	Lilford, L.
Powis, E.	Norton, L.
Ravensworth, E.	Penrhyn, L.
Roddsdale, E.	Plunket, L.
Romney, E.	Raglan, L.
Rosse, E.	Silchester, L. (<i>E. Longford.</i>)
Stanhope, E.	Skelmersdale, L.
Bridport, V.	Stewart of Garlies, L. (<i>E. Gallaway.</i>)
Cranbrook, V.	[<i>Teller.</i>]
Hardinge, V.	Strathapey, L. (<i>E. Seafeld.</i>)
Hutchinson, V. (<i>E. Donoughmore.</i>)	Walsingham, L.
Leinster, V. (<i>D. Leinster.</i>)	Windsor, L.
Melville, V.	Winmarleigh, L.
Strathallan, V.	Zouche of Haryngworth, L.
Arundell of Wardour, L.	

NOT-CONTENTS.

Devonshire, D.	Hammond, L.
Northampton, M.	Hanmer, L.
Airlie, E. [<i>Teller.</i>]	Kenry, L. (<i>E. Dunraven and Mount-Earl.</i>)
Camperdown, E. [<i>Teller.</i>]	Leigh, L.
Clarendon, E.	Lytelton, L.
Cowper, E.	Meldrum, L. (<i>M. Huntly.</i>)
Dartrey, E.	Oranmore and Browne, L.
Granville, E.	Oxenfoord, L. (<i>E. Stair.</i>)
Kimberley, E.	Ponsonby, L. (<i>E. Bessborough.</i>)
Powerscourt, V.	Rosebery, L. (<i>E. Rosebery.</i>)
Aberdare, L.	Stanley of Alderley, L.
Balfour of Burleigh, L.	Stratford, L. (<i>V. Enfield.</i>)
Boyle, L. (<i>E. Cork and Orrery.</i>)	Sudeley, L.
Carlingford, L.	Truro, L.
Foley, L.	

Resolved in the Affirmative; Bill read 3^d accordingly, with the Amendments. and passed, and sent to the Commons.

SCIENCE AND ART DEPARTMENT—STUDY OF AGRICULTURE.

QUESTION. OBSERVATIONS.

EARL GRANVILLE asked, If the Lord President can give any information as to the progress and success of the measures recently taken by the Science and Art Department for the encouragement of the principles of agriculture in this country? The noble Earl said: My Lords, I feel sure that my noble Friend, who combines presiding over the Department of Science and Art with a great interest in the agriculture of England and Scotland, will not object to the Question which is on the Minutes in my name. The depression which exists in agriculture must make everyone more alive to the importance of all things which can contribute to its future prosperity. There are different opinions as to some of the causes of the depression and as to the character of possible remedies—there can be none as to the advantage of improved and more diffused agricultural knowledge. It is one of the uses of adversity to make all concerned more alive to such needs. I was lately at a great meeting of the Iron and Steel Institute. There was an immense attendance of the representatives of an interest which has been depressed for some years. One of the original members was much struck with the contrast of the apathy amounting to contempt which was shown at the early meetings of the Association, when scientific suggestions were made, with the intense interest shown by all this year in everything which tended to give scientific information of a mechanical or chemical character as to improvements which might be introduced into the manufacture of iron and steel. It is probable, and most desirable, that the present agricultural distress may turn the attention both of landowners and of land occupiers more to the subject. I believe that the want of publicity as to the agricultural examinations conducted by the Science and Art Department is in itself an evil. Great as is the number of enlightened landowners in this Assembly, I have some doubt whether the majority know of these examinations, or are aware that more than 2,000 candidates have successfully passed them; though it ought to be a matter of pride to the Scotch and Irish Peers that more than

two-thirds of these successful candidates are Irish or Scotch. I wish means could be devised for giving greater publicity to these examinations and to the names of those who are the successful candidates. A farmer who goes to the expense and to the enlightened trouble of preparing his sons for these examinations, not unreasonably thinks that this distinction, *ceteris paribus*, entitles his children to some preference in obtaining farms from the best landlords. There is another reason which gives great importance to these examinations and their results. In our great manufactories it is possible—though not desirable—that a very few persons, having brains, can direct the work of a great number of hands. This is not the case in agriculture. Knowledge to be nationally useful must be diffused; it must belong to a large number of agents—of farmers and of bailiffs. Now, it happens that the agricultural classes of the Department can be established even in very out-of-the-way districts, and can be made infinitely more useful and numerous than at present. I shall be quite satisfied with the success of my Question, if it creates a little more attention among individual Members of this House to the subject, and if it induces my noble Friend at the head of the Department to take steps for giving greater publicity to the examinations and to the names of successful candidates.

THE DUKE OF RICHMOND AND GORDON: My Lords, so far from complaining of the noble Earl (Earl Granville) for having put a Question to me on this subject, I am very glad that he has done so, because I hope the answer which I am able to give to it will show your Lordships and the country that the attention of this branch of the Science and Art Department has been usefully extended to those matters of instruction to which my noble Friend refers. There is no question that there is much more of science now imported into agriculture than formerly, and that there is a very considerable amount of interest taken in the chemical properties connected with the various manures which are used—a matter in respect to which the Royal Agricultural Society exerts itself very beneficially, and, through its agency, means are now adopted to ascertain that the manures which are sold contain the properties which they are supposed to have, and to

test them if they should appear to be of a doubtful nature. Coming to the Question of the noble Earl, it was not till the end of 1875 that it was decided to add the principles of agriculture to the list of subjects towards instruction in which aid is given by the Science and Art Department. At the first examination, which was held in May, 1876, there were, of course, but few candidates—because the matter had not become generally known—the number was 150. By the next year—1877—we found that 72 classes had been established in the country, who sent up about 800 students to be examined. The following year the number of classes had increased to 91, and 1,265 students were examined. At the examinations which were held on the 13th of May last, 147 classes were found to be established—20 in England, 16 in Scotland, and 111 in Ireland. There were 2,839 students under instruction, of whom 2,193 came up for examination. Of these, 1,244 passed in the elementary stage, 389 in the advanced stage, and 20 went out with honours. It will thus be seen that a rapid and satisfactory progress is being made in this important subject. The Examiner, Professor Tanner, reports of the last examination—

“Some of the papers examined are of very superior character, and in the highest degree satisfactory; in fact, the entire series of examination papers gives proof of a most important system of education in agricultural science being gradually established in the country, and of valuable instruction being imparted by the teachers who are acting under the Department.”

At the present time, a short course of instruction in the principles of agriculture is being given to a class of 50 selected teachers at South Kensington, of whom 25 are from English, 9 from Scotch, and 16 from Irish schools, all of whom have their expenses paid. In addition to this, free admission to the course has been given to all teachers who desire to attend. I have had drawn up in a tabular form the information which I have now briefly given to your Lordships. There are, besides, two or three reports of the examinations; and it may, I think, meet the views of my noble Friend, if I lay those Papers on the Table in a printed form to be circulated among your Lordships.

THE MARQUESS OF HUNTLY rose to thank the noble Duke for what he had

said, and for having, in adding this new branch to the duties of the Department, so far acceded to the recommendations of the Committee of the Central Chamber of Agriculture. He hoped the allowances given in the case of selected teachers would be extended to the teachers generally who were anxious to qualify themselves for imparting instruction in agriculture, and so enabling their pupils to pass the examination provided by the Department. It would be impossible for teachers at great distances—from the North of Scotland, for instance—to attend lectures at South Kensington, unless they received assistance to do so. He could assure the noble Duke that the action of the Government in this matter was very much appreciated through the whole of the rural districts. He did not ask for undue credit for the Central Chamber; but when the noble Duke issued his Circular, the Chamber sent out copies of it to the teachers and colleges interested in the subject, and from all these bodies they received expressions of very strong approval of the project.

Then, on the Motion of The Earl GRANVILLE—

Memorandum of the Science and Art Department, South Kensington, as to instruction in Agriculture: Ordered to be laid before the House.

Return laid before the House accordingly, and to be printed. (No. 137.)

UNIVERSITY EDUCATION (IRELAND) BILL.

QUESTION. OBSERVATIONS.

LORD ORANMORE AND BROWNE, who had given Notice to ask Her Majesty's Government, Whether, in the event of the University Education (Ireland) Bill passing the House of Lords, and going down to the House of Commons, it is the intention of Her Majesty's Government, in the course of its progress through that House, to propose or accept Amendments proposing that endowments or grants, in addition to those now given to the Queen's University, shall be made to the said University; also, whether Her Majesty's Government intend, during the passage of the said Bill through this House, to state names of members of Senate to be named by Her Majesty's Government?—said:—I really do not know whether

there is any use in my putting this Question now, because I find that the noble Earl (Earl Granville) has already asked a Question having a similar intention. I think this is a somewhat unusual course, and somewhat inconvenient to the public, considering my Notice was on the Paper, and that the noble Earl had not given Notice of his intention to ask the Question. Had the noble Earl intimated to me his wish to ask the same Question, in his position I should have felt myself bound to defer to him. The noble Earl took the opportunity, the other day, of calling a Friend of mine to Order; but I do not think he was quite in Order or quite orderly, in asking the Question he has done. I need not read my Question, as it is before your Lordships. But I will, in a very few minutes, state the reasons for my asking why this Bill has been brought forward, very unexpectedly, by Her Majesty's Government? They were a very long time in expressing their opinion upon the Bill brought forward in "another place," and when they did do so it was adverse to the measure. If this Bill is brought forward by Her Majesty's Government, it is only just and fair that the whole intention of the Government should be expressed regarding it. So far as the noble and learned Earl explained the Bill which he laid on the Table, we all understand it perfectly clearly, and there is no difficulty in knowing what it means; but this is not the place where any origination of endowment could take place—at any rate, any endowment that would come out of the general taxation of the country. The noble and learned Earl might say that it was a matter for consideration in "another place," and that he had told your Lordships all that concerned you; but the entire principle of the Bill must depend upon the fact whether any endowment is to be given or not. Supposing the grant to be made on the same principle as "result fees," surely that would be denominational endowment? and yet it would be extremely difficult to reject it. I think that, in that case, the Bill should have been introduced in that "other place," and not in your Lordships' House. Therefore, I ask the noble and learned Earl that part of the Question. With regard to the other part of the Question—Whether the names of the Senate will be stated

The Marquess of Huntly

by Her Majesty's Government when the Bill is before the House?—the whole operation of the Bill will depend upon who are members of the Senate; and, therefore, I have thought it my duty to trouble you by asking the Question of which I have given Notice.

EARL GRANVILLE: I think I am, to a certain degree, open to the complaint which the noble Lord has made against me, and I should like to explain. The Question, of which Notice was given by the noble Lord, was not in the form of the Question I thought it necessary to ask, and I was anxious to obtain an answer. I, therefore, framed a Question to which I thought an answer might be given, and I did not think that was the case with the Question of the noble Lord.

THE EARL OF BEACONSFIELD: I will endeavour, if I possibly can, to extract some light from the Question of the noble Lord, which, indeed, seems founded on this principle — that the noble Lord, acknowledging the proposals of the Government, as embodied in the Bill which has been read a first time in this House, were perfectly clear, has endeavoured to obfuscate the subject by imputing to Her Majesty's Government the probable intention of introducing other matters quite different, and, indeed, in some degree, quite contrary, to the scope of the Bill. I really cannot find any difficulty in answering the Question of the noble Lord. The noble Lord wishes to know whether Her Majesty's Government, if the Bill which has been introduced in this House should happily pass your Lordships' House, and be introduced in the other House, are prepared to propose any scheme of endowment? Well, we are not prepared, under these circumstances, to propose any endowment. We hope that if the Bill passes this House it may also pass the other House, and that it will be, in its policy and general scheme, substantially that introduced into this House. With regard to the inquiry of the noble Lord as to whether Her Majesty's Government will be prepared to accept certain Amendments in the other House of Parliament? without in any way wishing to change the statement I have made, I can assure the noble Lord that there is no wish on the part of the Government to stand in the way of the noble Lord, or his Friends, in proposing any

Amendment which they may think expedient. If the noble Lord is himself desirous of proposing some measure of endowment, or if he has communicated with other Friends in the other House of Parliament who wish to do so, I have not the slightest doubt their propositions will receive respectful consideration. But I hope that, in discussing this measure, noble Lords will not impute to Her Majesty's Government any other measure or policy than that which, all must acknowledge, has been placed before the country by my noble and learned Friend on the Woolsack with a lucidity which could not be exceeded. It may be assumed that Her Majesty's Government, whether in this House or in the other House of Parliament, will ask the opinion of Parliament regarding the Bill they have introduced.

House adjourned at a quarter past
Seven o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 3rd July, 1879.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Lord Clerk Register (Scotland) * [196]; Highway Accounts (Returns) * [227].
Select Committee—New Forest Act (1877) Amendment * [210], *nominated*.
Committee—Army Discipline and Regulation [88]—R.P.; Cork Borough Quarter Sessions * [226]—R.P.; Children's Dangerous Performances [229]—R.P.
Withdrawn—Inclosure Provisional Order (Maltby Lands) [173].

QUESTIONS.

METROPOLIS—THE MAIN DRAINAGE. QUESTION.

SIR ANDREW LUSK asked the Secretary of State for the Home Department, Whether his attention has been called to the serious mischief arising from the repeated overflows of sewage matter into the houses of many inhabitants of Holloway and other parts of the metropolis during the heavy rain-falls last year, stated to be owing to the

insufficiency of the main drainage system; and, whether he could not bring his influence to bear on the Metropolitan Board of Works to provide some adequate relief in this matter to the districts referred to, so that public health and comfort may not be endangered?

MR. ASSHETON CROSS, in reply, said, the Metropolitan Board of Works had taken the best advice they could obtain in regard to the best means of improving the sanitary condition of the Metropolis, and had laid down a valuable system of main drainage. The injury of which the hon. Member complained was principally caused by the flood of the storm water, which occasionally flooded the sewers and drove the sewage back into the houses. In some cases, he believed, the houses were not built on the proper levels. He had had communications addressed to him on this point, and he was himself now in communication with the Metropolitan Board of Works with a view to remedy the evil. At the present time he could say no more.

THE LUNACY COMMISSIONERS.

QUESTION.

MR. DILLWYN asked the Secretary of State for the Home Department, Whether there is any official interchange of annual reports between the Lunacy Departments of England and France; and, when it is probable that the Annual Report of the Commissioners in Lunacy will be laid before Parliament?

MR. ASSHETON CROSS, in reply, said, that he had communicated with the Lunacy Commissioners, who stated that no time should be lost in presenting their annual Report. No official interchange of annual Reports had taken place between the Lunacy Departments of England and France; but he had requested the Secretary of State for Foreign Affairs to communicate with the authorities in France on that subject.

SPAIN—CLAIM OF MR. FIELD—THE "MARIE LOUISE."—QUESTION.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, Why Mr. Field, a British subject, has not yet been paid the sum awarded to him five years ago in consequence of an illegal seizure of his property on board the German brig "*Marie Louise*," in the Sulu

Seas, by a Spanish gunboat; and, if Her Majesty's Minister at Madrid has been requested to ask the Spanish Government to send out instructions to Manilla for the settlement of this claim?

MR. BOURKE: On the 26th of March last Mr. West was instructed to call the attention of the Spanish Government to the fact that the indemnity awarded to Mr. Field for his losses by the seizure of the *Marie Louise* in September, 1877, still remained unpaid. He was further told to request that the matter might be speedily settled. No answer has yet been received from the Spanish Government to that representation, and instructions have been sent to Mr. West to repeat the complaint.

POST OFFICE—INDIA, CHINA, AND AUSTRALIAN MAILS.—QUESTION.

MR. RATHBONE asked the Secretary to the Treasury, If he can state the net loss to this Country on each year, since the 1st day of February 1868, of the Contract with the Peninsular and Oriental Company for the conveyance of the Mails to India, Ceylon, the Straits Settlements, China, Japan, and Australasia?

SIR HENRY SELWIN-IBBETSON, in reply, said, that the net loss to this country in conveyance of mails to India, China, Australasia, &c., had been as follows:—For 14 months, February 1, 1868, to March 31, 1869, £290,671; year to March 31, 1870, £209,729; year to March 31, 1871, £200,506; year to March 31, 1872, £207,486; year to March 31, 1873, £214,868; year to March 31, 1874, £208,582; year to March 31, 1875, £206,052; year to March 31, 1876, £208,268. The accounts for the last three years had not been completed, owing to a misunderstanding with the Indian Post Office, which had, however, now been removed.

SOUTH AFRICA—THE ZULU WAR—ESTIMATES OF COST.—QUESTIONS.

SIR JOHN LUBBOCK asked Mr. Chancellor of the Exchequer, When he proposes to lay upon the Table the Estimate for the Zulu War; and, whether it will be presented at a time when it can be fully discussed?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have no doubt that it will be

Sir Andrew Lusk

presented at a time when it may be fully discussed. I explained, the other day, why it was that Her Majesty's Government are delaying presenting the Estimates. We are anxious to obtain as much information as we can in regard to the probable duration of the war; but I have no reason to think that the Estimate of £500,000 a-month which I gave the other day will turn out incorrect. I am in hopes that in the course of a mail or two we may receive such information as will enable us to present an Estimate in a better and more satisfactory form than we are at present able to do.

MR. CHILDERS: Will the right hon. Gentleman undertake to introduce the Estimate before the end of this month? If not, it cannot be discussed at all.

THE CHANCELLOR OF THE EXCHEQUER: I will undertake that it shall be presented in July.

SIR JOHN LUBBOCK: May I ask from what fund the £500,000 a-month is being paid?

THE CHANCELLOR OF THE EXCHEQUER: It is being paid out of the Treasury Chest from military balances. We have accounts up to the 31st of May, a later date than I mentioned before; but about £500,000 a-month is the rate of payment.

CRIMINAL CODE (INDICTABLE OFFENCES) BILL.—QUESTION.

MR. COLE asked Mr. Attorney General, Whether, taking into consideration the present state of business, and the fact that the majority of the legal Members of the House are immediately leaving for Circuit, there is any probability of his being able to proceed with the Criminal Code (Indictable Offences) Bill during the present Session?

THE ATTORNEY GENERAL (SIR JOHN HOLKER): I very much regret to say that, in my opinion, there is not any reasonable probability of my being able to proceed with this Bill this Session.

NAVY—PURCHASE OF HAY. QUESTIONS.

MR. ANDERSON asked the First Lord of the Admiralty, If he will state the circumstances under which the Admiralty, about a year and a-half ago, bought a parcel of Dutch hay, kept it for more than a year, and then sold it again;

for what expedition it was intended, what was the quantity, and what the whole amount of loss by the transaction, including interest and all charges; and, why it was not either used or handed to some other Department to be used before it got damaged?

MR. W. H. SMITH: The hay was bought to provide forage for horses on board ship, if it became necessary, as it was apprehended, in the spring of last year, that it might become necessary, to send an expedition from this country. It was bought by the Director of Contracts of the Navy, who was assisted in the survey and the taking over of the hay by an Army officer. The quantity purchased was 1,200 tons, and the price was £5 15s. per ton. The Secretary of State for War undertook that the Army should take over the hay if it was not used for the expedition. When it became clear that it would not be required for that purpose, the War Office authorities were applied to to take it over, and on survey they found it to be unfit for military purposes. The greater portion was then sold at 35s. per ton. I am unable to state what the exact loss has been on the transaction, as there are one or two questions which are yet undetermined, and the accounts, therefore, have not been made up.

MR. ANDERSON asked what the expedition was, and whether when the hay was passed by the Department at first it was sound?

MR. W. H. SMITH: The hon. Gentleman can hardly expect me to answer the first Question. A Vote of Credit was taken last year for purposes which were fully explained to the House, and the hon. Gentleman was present at the time. The hay would not have been taken in the first instance if it had not been sound.

ARMY—ARTILLERY VOLUNTEERS— SCHOOLS OF INSTRUCTION. QUESTION.

MR. W. HOLMS asked the Secretary of State for War, Whether, having regard to the large proportion of Artillery Volunteers in Scotland and the north of England, and the inconvenience and expense entailed upon such Volunteers attending the School of Instruction at Shoeburyness, Her Majesty's Government will make a grant towards estab-

lishing a School of Instruction at Irvine (on the Ayrshire coast), or at some other suitable place in Scotland?

COLONEL STANLEY, in reply, said, he was unable to state anything definite as to a School of Instruction being established at Irvine; but, as he had already stated, inquiries were being made with the view of trying to find some suitable place for a School of Instruction, either in the North of England or in Scotland, where Volunteers from the North of England and Scotland could attend without inconvenience.

IRELAND—TYRONE COUNTY COURT—
SIR FRANCIS W. BRADY.—QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether any complaints were made against Sir Francis W. Brady previous to his removal to the County Court of Tyrone by the Sessional Crown Solicitor of Roscommon, and the other solicitors practising before Sir F. W. Brady in that county; whether he has been more frequently before the Court of Queen's Bench, Ireland, on certiorari and mandamus motions, than all the other County Court Judges put together; whether he has neglected or refused to make the necessary returns to those orders when served upon him; how many appeals from his decisions were for hearing at the last Spring Assizes for the County of Tyrone; and, how many of these decisions were reversed?

MR. J. LOWTHER: I am unable to find any record of any complaint having been made to the Government against Sir Francis Brady, either before or after his appointment to the County Court of Tyrone. With respect to the last four inquiries of the hon. Member, there is no means of obtaining official information except by adopting a course which would be unusual; but I am led to believe that appeals against Sir Francis Brady's decisions have not been more frequent than the average prevailing among his colleagues, and that the results have not, as a rule, been less favourable to him than in the case of others similarly circumstanced.

PETTY SESSIONS (IRELAND).
QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether a Circular,

Mr. W. Holmes

dated May 2nd 1879, was addressed from Dublin Castle to the Magistrates at Petty Sessions, giving them directions as to the manner in which their statutable powers are to be exercised, directions tending to encourage the practice of dealing summarily with offenders out of Petty Sessions; and, whether he will lay upon the Table a Copy of the Circular in question?

MR. J. LOWTHER: Sir, the intention of the Circular in question was certainly not to encourage the practice of dealing summarily with offenders out of petty sessions. On reading it, however, I think some paragraphs are liable to misconstruction, and, therefore, I think it better that the Circular should be revised. As to laying a copy of the Circular on the Table, I may say that when the new Circular is issued I shall have no objection to lay both on the Table of the House.

SOUTH AFRICA—DESPATCHES OF SIR
BARTLE FRERE.—QUESTIONS.

MR. MUNDELLA asked the Secretary of State for the Colonies, Whether he is in receipt of replies from Sir Bartle Frere to his Despatches of 19th and 20th March; and, if so, when he will communicate them to the House?

SIR MICHAEL HICKS-BEACH: No, Sir; I have received nothing more than I stated to the hon. Member the other day.

SIR WILLIAM HARCOURT: Have no despatches been received from Sir Bartle Frere since the 18th of March?

SIR MICHAEL HICKS-BEACH: The hon. and learned Gentleman can hardly have heard the Question. The Question was, whether I had received any reply to my despatches of the 19th and 20th of March? and I stated the other day that an acknowledgment had been received, but nothing beyond that.

SIR WILLIAM HARCOURT: My Question really arises out of that answer. I ask, if no despatches have been received from the Cape since the receipt of the Colonial Secretary's despatch of the 19th of March beyond an acknowledgment of the receipt of that despatch?

SIR MICHAEL HICKS-BEACH: Yes, Sir; I think some despatches have been received.

SIR WILLIAM HARCOURT: Then, I beg to ask, will these despatches be

communicated to this House? I must say I do not see anything that justifies the manner in which the Colonial Secretary is answering these Questions. I think I am fairly entitled to ask the Question, and I venture also to think that I am entitled to a courteous reply. I again repeat a courteous Question, and I ask for a courteous answer. The Question is, Whether any despatches have been received from Sir Bartle Frere since he received the despatches of the Secretary of State of the 19th and 20th of March; and, if so, whether they will be communicated to the House?

SIR MICHAEL HICKS-BEACH: I had every intention of giving the hon. and learned Gentleman a courteous reply, and I am exceedingly sorry if in any respect I failed to do so. My impression was that the Question of the hon. Member for Sheffield related to a despatch which he anticipated Sir Bartle Frere would send upon the particular points touched upon in my despatches of the 19th and 20th of March; and I think the hon. Member will admit that that impression is correct. Well, then, my reply is, that the sole answer to these despatches which have been received has been the acknowledgment of which I informed the House the other day. There have been despatches relating to other subjects altogether, and such of them will be communicated to Parliament as appear consistent with the interests of the Public Service.

MR. MUNDELLA: May we not have the acknowledgment?

SIR MICHAEL HICKS-BEACH: Oh, certainly.

In reply to Mr. COURTNEY.

SIR MICHAEL HICKS-BEACH said, that the despatch of Sir Bartle Frere, dated Pretoria, April 17, 1879, would be laid on the Table in a few days.

JAPAN—THE TARIFF.—QUESTION.

MR. SAMPSON LLOYD asked the Under Secretary of State for Foreign Affairs, Whether it is true (as stated to be probable in a circular lately issued by Sir Harry Parkes to the Consular body in Japan) that the Japanese Government have advanced the claim that—

“They should now be free to frame their own tariff as they please, on a scale not exceeding the rates levied by other nations;”

whether the Government have reason to believe that the United States and Russia have declared that they consider this view of the Japanese Government to be equitable and satisfactory; whether the Government have instructed Her Majesty's representative in Japan to oppose or to agree to this proposal (if insisted on by that Country and agreed to by the other powers named); whether Her Majesty's Government are prepared to lay upon the Table any correspondence which has taken place on this subject; and, whether they propose to communicate to the House particulars of any new proposed Treaty arrangements between this Country and Japan before they are finally accepted or declined?

MR. BOURKE: The Japanese Government have advanced the claim as stated. No communication on the subject of the views of the Governments of the United States and Russia has, however, reached Her Majesty's Government. They have instructed Her Majesty's Representative in Japan to receive the proposals made to him. Her Majesty's Government are not prepared at present to lay Papers on the Table. They will follow the course usually adopted in similar cases, having due regard to precedent and the interests of British commerce.

SUPREME COURT OF JUDICATURE ACTS AMENDMENT BILL—COURT OF BANKRUPTCY, LONDON.

QUESTIONS.

MR. NORWOOD asked Mr. Attorney General, Whether it is the intention of the Government to proceed in this Session with the Bill transferring the jurisdiction and business of the London Court of Bankruptcy to the Supreme Court of Judicature, viz., “the Supreme Court of Judicature Acts Amendment Bill;” whether the Government have received a Petition from Citizens of London, praying that the judge to be appointed under the provisions of that Bill shall be a commercial lawyer of high standing and experience; and, whether before the passing of this Bill imposing the expense of an additional judge upon the Country, the Government will give an assurance to the House that the prayer of the said Petition shall be fully considered and acted upon.

THE ATTORNEY GENERAL (Sir JOHN HOLKER), in reply, said, it was the intention of the Government to proceed with the Bill. That Bill did not appoint an additional Judge, but gave power to appoint one. The Petition from the citizens of London on the subject had been received; and he could assure the hon. Gentleman that, before the Government made the appointment of an additional Judge, the recommendations contained in that Petition would be carefully considered.

MR. RATHBONE asked, Whether the Government would proceed with the Bill in case they did not go on with the Bankruptcy Bill?

THE ATTORNEY GENERAL (Sir JOHN HOLKER): Certainly; there are many provisions in the Bill which have nothing to do with the Bankruptcy Bill.

THE NEW (VICTORIA) UNIVERSITY.

QUESTION.

MR. JACOB BRIGHT asked the Secretary of State for the Home Department, Whether in the charter for a Northern University the same powers will be given for granting degrees to women as have been conferred on the London University?

MR. ASSHETON CROSS, in reply, said, that the Committee of the Privy Council, to whom the Petition had been referred, had called on the promoters of the University to subject a draft charter for their consideration; but, as a matter of fact, it was not yet known whether the promoters wished to have degrees granted to women or not.

ARMY (ENTRANCE) PRELIMINARY EXAMINATIONS.—QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether any, and what, necessity has been shown to exist for the change in date of the Army (Entrance) Preliminary Examinations in autumn from September and October to August and September respectively; and, whether the Commissioners cannot consult the convenience of the majority of candidates by returning to the dates fixed and customary in previous years?

COLONEL STANLEY, in reply, said, it was necessary that the names of those who had failed in the preliminary ex-

aminations and would be disqualified from proceeding should be known by the military authorities in good time; and if those examinations were held in September and October the result could not be known until the first week in November. He was not aware that any complaints of the change from September and October to August and September respectively had been made; but, if so, they would be attended to.

ARTIZANS' AND LABOURERS' DWELLINGS IMPROVEMENT ACT, 1875.

QUESTION.

COLONEL BERESFORD asked the Secretary of State for the Home Department, To inform the House what will be the cost to the Metropolitan ratepayers of the destruction of property in the Metropolis for the purpose of carrying into operation "The Artizans' and Labourers' Dwellings Improvement Act, 1875;" how many families have already been compelled, owing to such destruction of property, to find new homes; and, whether it be true that the Metropolitan Board of Works, in failing to find purchasers for the sites at their original cost, now propose to sell them at greatly reduced prices which may involve a loss of more than a quarter of million of money to the Metropolitan ratepayers?

MR. ASSHETON CROSS, in reply, said, the estimated cost of these schemes would be found in the Papers already laid upon the Table. With regard to the number of persons who had been removed, or would be removed, he had not yet received accurate information; but his hon. Friend knew that the work had to be done gradually, and that his (Mr. Assheton Cross's) consent had to be obtained before any large number of persons could be removed. The hon. Member might rely that no unnecessary hardship would be inflicted. As regarded the sum of money for which the Metropolitan Board of Works contemplated selling the land, it must be remembered that they were selling vacant land, and that they bought it covered with houses. The Metropolitan Board of Works must look for their return not merely in the buildings placed upon the site, but in the removal and decrease of pauperism. There was a proposition before the Metropolitan Board of Works for the purchase of

these sites on the condition that they should be covered with buildings in the course of three years; and, so far as he was concerned, every power which he possessed would be used to secure the assent of the Metropolitan Board to this proposal. They would hardly be doing their duty if they did not accept it.

SOUTH AFRICA—SEAMEN AND MARINES.—QUESTION.

LORD CHARLES BERESFORD asked the First Lord of the Admiralty, How many seamen and marines formed part of the relieving column under Lord Chelmsford; who was the Naval officer in command; did that officer forward any Despatch to the commodore; and, if so, will he order that Despatch to be published?

MR. W. H. SMITH, in reply, said, the Naval Brigade consisted of 566 men and 27 officers. They were under the command of Commander Brackenbury, of the *Shah*. That officer had sent a despatch to the Commodore, which was in the course of being printed with other Correspondence for presentation to Parliament.

EGYPT—THE PAPERS.

OBSERVATIONS. QUESTIONS.

SIR JULIAN GOLDSMID said, that the first of the Papers laid on the Table was dated April 25, 1879; the last Papers on the subject of Egyptian affairs were received at the end of last year. There was a large gap between the 31st of December, 1878, and the 25th of April, 1879. When would the Papers between these two dates be placed in possession of the House? There was a similar omission at the other end, between a despatch from Mr. Lascelles, at Cairo, to Lord Salisbury, and a telegraphic despatch, dated June 26, from Sir Austen Layard to Lord Salisbury, announcing that the Sultan had deposed the Khedive. He understood that there was a large number of Papers addressed by our Ambassador at Constantinople to Lord Salisbury, which had not been produced. He wished also to know, Whether these Papers would be produced as early as possible, in order that the House might have time to consider them before entering upon a discussion on the subject?

MR. BOURKE said, he was very sorry that the hon. Baronet had not given some Notice of the Questions which he had just asked. Had that been done, he might have been in a better position to answer them. As to the first Question, he could inform the hon. Baronet at once that the Papers to which he referred were in preparation, following up those which were already in possession of the House; but he could not say, at that moment, when they would be presented. As to the other Papers to which the hon. Baronet referred, he could not answer the Question without consulting the Secretary of State; but he might say, with regard to both series of documents, that no greater delay would take place than was absolutely necessary in the interests of the Public Service.

SIR JULIAN GOLDSMID said, he should like to put a further Question to the hon. Gentleman. The Chancellor of the Exchequer informed the House the other day that, now the matter was completed by the deposition of Ismail Pasha, there could be no objection to lay all the Papers on the Table of the House; and, therefore, he would ask, What objection there was to produce the Papers which dated from Constantinople upon this question?

THE CHANCELLOR OF THE EXCHEQUER said, the expression, so far as he remembered, which he made use of was that Papers explanatory of the action of Her Majesty's Government would be produced without delay. He thought it would be much more convenient if, in a matter of this kind, Notice were given.

COAL MINES—EXPLOSION OF FIRE-DAMP AT BLANTYRE.—QUESTIONS.

MR. MACDONALD: I wish to ask the Secretary of State for the Home Department, Whether he can give the House any information in regard to an explosion which is said to have taken place in the Blantyre Colliery last night? The right hon. Gentleman will recollect that a terrible disaster recently occurred in the same colliery, in which upwards of 200 persons lost their lives. Considering what then happened, I wish to know whether the right hon. Gentleman will rest satisfied with sending down a person to assist at the inquiry; or whether he will appoint a thoroughly independent

set of persons to take up the whole investigation? And I would ask, further, Whether the right hon. Gentleman will lay upon the Table of the House the Report made by Mr. Dickenson, the Inspector from the Home Office, who was sent down to inquire into the last accident which occurred in the colliery?

MR. ASSHETON CROSS: I regret to say that there was an explosion in this pit last night, and the account I have with regard to it is this. It originated in firedamp in one of the workings of the Blantyre Colliery at 9 o'clock last night. There were 31 men in the pit at the time, four of whom have since been got out alive, and 21 dead bodies have been reached, while the other six, who it is feared are dead, will be reached during the day. There were about 140 men underground in the colliery at the time; but the explosion did not affect the part of the works, happily, in which they were. It would be wrong to form the slightest judgment as to the accident being the result of neglect, or anything of that sort, until an inquiry has taken place; and I can only say that, after the serious accident which occurred a short time ago, the hon. Member and the House may be quite certain that, after consultation with the Lord Advocate, a most searching inquiry will be held, though what form it may take it would be impossible to say without more information; but I will communicate with the hon. Gentleman on the subject. As to the Papers asked for, I have only had this matter in my hand a very short time, and I have not yet been able to look into it; but I will look and see to-morrow whether what the hon. Gentleman asks can be done.

MR. MACDONALD: Will the right hon. Gentleman lay before the House a statement as to the means he will adopt to investigate the accident?

MR. ASSHETON CROSS: No; I will take such action as may, in my judgment, appear necessary. If the hon. Gentleman has any fault to find with me, he can bring the matter before the House.

MR. MACDONALD: I beg to give Notice that to-morrow I will ask the Home Secretary, Whether he has been informed that the Inspector of that district is himself a coal owner, carrying on a mine in the district?

Mr. Macdonald

PARLIAMENT — STATE OF PUBLIC BUSINESS.—OBSERVATIONS.

In reply to Sir JOSEPH M'KENNA,

THE CHANCELLOR OF THE EXCHEQUER stated that it was not intended to proceed that evening with the Banking and Joint Stock Companies Bill. He might take that opportunity of saying that, looking to the position of the Army Discipline and Regulation Bill, it was absolutely necessary to proceed as continuously as possible with that measure. The House was aware that the annual Mutiny Act was this year passed as a temporary measure, lasting only till the 25th of this month. The present Army Discipline and Regulation Bill, which was intended to take the place of the old Mutiny Act, was still in Committee, and there was a large amount of work to be got through; although he hoped the progress which had been made would justify them in expecting that the last portion of the Bill would not occupy so much time as the first portion of it. He proposed to go on with that Bill to-night. Under ordinary circumstances he should have proposed to take it to-morrow; but it was announced some time ago that there would not be a Morning Sitting. The hon. Member for Birkenhead (Mr. Mac Iver) had consented to withdraw a Motion, and he had, therefore, a claim to be considered. Great interest was also felt with regard to the Motion of the hon. Member for Mid-Lincolnshire (Mr. Chaplin) which stood for to-morrow. There would, therefore, be no Morning Sitting to-morrow; but he hoped the House would consent to a Saturday Sitting. He should be reluctant to make that demand on the time of the House unnecessarily; but he could assure them, after the best consideration they could give to the matter, the Government felt it was a request which it was their duty to make, and they were sanguine enough to hope that the House would generally agree to it, in order to get the Army Discipline and Regulation Bill through in reasonable time.

MR. MUNDELLA reminded the right hon. Gentleman that on Saturday the funeral of Lord Lawrence would take place, and he trusted that the hour of sitting would be fixed so that hon. Members who desired to pay a tribute

of respect to the noble Lord would be able to attend at Westminster Abbey.

SIR GEORGE CAMPBELL asked Mr. Chancellor of the Exchequer if he could give the House any information as to the arrangements which would be made for the accommodation of hon. Members at the funeral on Saturday?

MR. W. E. FORSTER confessed that the Leader of the House had given good reason for a Saturday Sitting; but as the funeral of Lord Lawrence took place at 12 it would be convenient if the House did not meet until 2.

THE CHANCELLOR OF THE EXCHEQUER requested the hon. Member for Kirkcaldy (Sir George Campbell) to give Notice of his Question. Many Members of Parliament would naturally wish to be present at the funeral. He hoped to attend himself, and he would consult the Speaker with regard to the time for the meeting of the House.

MR. DILLWYN expressed a hope that no other Business than the Army Discipline and Regulation Bill would be taken on Saturday.

THE CHANCELLOR OF THE EXCHEQUER said, that it was intended to proceed with the Public Works Loans Bill. With regard to the Supreme Court of Judicature Acts Amendment Bill, he would consult with the Attorney General as to when it would be convenient to proceed with it.

MR. FAWCETT asked if it was intended by the Government to proceed with the East India Loan Bills?

THE CHANCELLOR OF THE EXCHEQUER said, it would not be possible to proceed with the East India Loan Bills that night.

MR. W. E. FORSTER asked, whether the Army Discipline and Regulation Bill would be taken again on Monday?

THE CHANCELLOR OF THE EXCHEQUER replied, that it would, if necessary.

POST OFFICE—ILLEGAL LOTTERY TICKETS.—QUESTION.

MR. ANDERSON asked the Postmaster General, If he will cause inquiry to be made among forty or fifty of the largest Post Offices in England and Scotland as to illegal lottery tickets being extensively distributed for sale by means of the Book Post, and therefore open to inspection; and, if it be so,

whether he has not power to prevent his department being thus made an open medium for contravention of the Law, and if he will put lottery tickets among the articles forbidden by Rule 24?

LORD JOHN MANNERS: There is no doubt that a good many lottery tickets have been, and are, transmitted through the post in open wrappers, at the book rate of postage; but I am advised that the Postmaster General has no legal power to interfere with their transmission in that way.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 30th June.*]

Bill considered in Committee.

(In the Committee.)

PART IV.

GENERAL PROVISIONS.

Supplemental Provisions as to Courts Martial.

Clause 122 (Royal warrant required for convening and confirming general courts martial).

MR. PARNELL moved, in page 65, line 4, after "may," to insert "subject to the provisions of this Act." The clause would thus read—

"Her Majesty may, subject to the provisions of this Act, by any Warrant or Warrants under Her Sign Manual, in such form as Her Majesty may from time to time direct."

COLONEL STANLEY confessed that he did not hear the reasons given for the insertion of the words.

MR. PARNELL had not felt it necessary to give any reasons, because the Amendment was so obviously just. He thought it would at once have commended itself to the good sense of the right hon. and gallant Gentleman the Secretary of State for War; and, therefore, he did not wish to waste the time of the Committee by giving his reasons for the proposal he had made. The present clause was one which gave power to Her Majesty to issue Warrants under Her Sign Manual; and he wished

to provide that no Warrants should be issued by Her Majesty except for offences which were contrary to the provisions of the Act. The Amendment was a most reasonable one; and it would not be found to work badly in any way.

COLONEL STANLEY expressed his approval of the Amendment.

Amendment agreed to.

MAJOR NOLAN moved, in page 65, line 15, to leave out from "or in" to "captain." The hon. and gallant Gentleman, by his Amendment, proposed that a return should be made to the old system, according to which none but an officer of superior rank could convene a court martial by which a man could be sentenced to death. It was too great a power to give to every captain. Certainly, there were many captains quite competent, and of sufficient age, to convene courts martial; but there were also some very young captains, in whom it would be unwise to vest such power. His Amendment did not interfere with the power of captains to convene garrison courts martial, which had power to give two years' imprisonment.

COLONEL STANLEY did not see any particular objection to leaving out the words suggested, providing it could be shown that no serious inconvenience to the Service would result.

Amendment agreed to.

MAJOR NOLAN moved, in page 65, line 18, after "captain," to insert "with not less than five years' service." The hon. and gallant Gentleman explained that this was a merely consequential Amendment upon the previous one.

Amendment agreed to.

MR. PARNELL had another Amendment to propose on the same clause. In line 36, he proposed the omission of the words "may or." The 2nd subsection ran thus—"the same officer may or may not be appointed convening and confirming officer." The objections to having the same officer to convene a court martial and to confirm the sentence were very palpable; and, therefore, he thought it was very desirable that some provision should be inserted in the Bill, by which the one officer should not both convene and confirm a court martial. It was notorious that there were many cases in which injustice might arise from

Mr. Parnell

one officer having this double power in his own hands. It was well that in this matter the system of checks and balances, such as prevailed in the ordinary Courts of Criminal Law, should apply. The alteration would, no doubt, prevent some of the injustices which now arose.

MR. CAVENDISH BENTINCK could not assent to the suggestion, and remarked that it was not likely that a person would be influenced by his having the double power. A provision such as this was contained in the old Mutiny Act.

MR. PARNELL said, the explanation of the Judge Advocate General did not throw very much light on the question. He told them it was merely proposed to proceed on the lines of the old law; but there were many points in the existing law which required amendment. It was a fair and reasonable thing to provide that the convening and confirming authorities should be distinct; and the only reason that could be alleged against his Amendment was that it would be impracticable, and that it would lead to inconvenience. That could not be so, because it would simply necessitate the alteration of the Warrants and the appointment of different officers. It could not work inconveniently, because there were always sufficient officers of the required rank in the particular place where the inquiry was being held.

SIR ARTHUR HAYTER trusted the Amendment would be withdrawn, because it would lead to great inconvenience. For instance, the officer commanding the district, to whom alone were intrusted the Warrants, could never be allowed to confirm the proceedings of the court martial. He could not understand how the Government could ever accept the Amendment.

COLONEL ALEXANDER said, that in the case of a regimental court martial the commanding officer was both convening and confirming authority, and great inconvenience would result were the Amendment carried.

MAJOR NOLAN advised the withdrawal of the Amendment.

MR. PARNELL said, the practical objections pointed out by hon. and gallant Gentlemen were quite sufficient to condemn the Amendment. If the right hon. and learned Gentleman the Judge Advocate General had pointed out those practical objections he should have at

once withdrawn the Amendment. He was, apparently, unable to do so; and he (Mr. Parnell) was obliged to persist in asking the Committee to consider his Amendment until it was shown that it was impracticable. He asked leave to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. PARNELL proposed an Amendment to sub-section 4 of the clause, under which it was proposed that—

“Warrants may be addressed to officers by name or by designation of their offices, or partly in one way and partly in the other.”

Perhaps the right hon. and learned Judge Advocate General could explain the particular utility of retaining this form of expression? An officer was left the option of addressing another officer either by his name or his designation; but it seemed to be introducing an unnecessary element of confusion to say partly in one way and partly in another. He moved that the words “or partly in one way and partly in another” be omitted.

COLONEL STANLEY explained, that in many cases it would be convenient to address an officer personally, reciting at the same time his designation in the character of officer commanding a certain district or place; and inasmuch as they could not secure a system by which the name and designation should remain the same, it was convenient that the Warrant should be addressed to the person named, or to his successor; it gave a safeguard that the document should not be addressed or received by other than the person specified.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 123 (Authority of officer empowered to convene general courts martial required for convening and confirming district courts martial) *agreed to*.

Clause 124 (Right of person tried to copy of proceedings of court martial).

SIR ALEXANDER GORDON moved, in page 67, line 19, to leave out “fourpence,” and insert “twopence.” He thought the payment of 2*d.* was quite sufficient to pay for a folio of 72 words. He found that in the Registry Office at Edinburgh the payment for engrossing 400 words was 1*s.*, and these were per-

manent records; therefore, 72 words for 2*d.* was a fair rate of payment to Government clerks, who already received Government pay. If private individuals could engross 80 words for a little over 2*d.*, a Government Office might do so; and even then it would amount to a large sum to be paid by a man who was obliged to provide himself with a copy of the proceedings of a court martial.

MR. CAVENDISH BENTINCK, seeing the Amendment on the Paper, had made inquiries. As the hon. and gallant Member would, perhaps, be aware, the staff kept in the Office of the Judge Advocate General was not sufficient to provide that a copy of proceedings should be made rapidly for a person requiring it; therefore, it was necessary to call in the assistance of copyists. In no case was more charged than the copy actually cost; and if the price were reduced from 4*d.* to 2*d.*, a copy of proceedings would become a charge upon the country, which did not seem to him to be a desirable result. Every facility was always given to those who desired to obtain a copy of proceedings whenever the application was made *bond fide*. Under the circumstances, he thought it was not desirable to reduce the charge, though his right hon. and gallant Friend was quite willing to add to the clause, so that it should provide the charge should be one “not exceeding” 4*d.*, leaving it open to make a lower charge, if it was thought desirable.

SIR ALEXANDER GORDON said, no reason had been given why the charge should be more than 2*d.* The right hon. and learned Gentleman did not say it could not be done for that. He could provide plenty of young men who, like those in the Registry Office at Edinburgh, would do the work for the money; and he could not see why they should give authority by law to charge double the amount.

MR. RYLANDS was rather surprised that the Judge Advocate General should persist in objecting, as it was quite clear that the reasons given were insufficient to support the clause as it stood. If a person was entitled to a copy at all, he was entitled to have it at a reasonable charge, as the hon. and gallant Member had shown the rate he proposed was a reasonable charge, even though, from pressure of work at any

time, the Office had to call in assistance. It would be better for the Government, without occupying more time, to accept the Amendment.

MAJOR NOLAN asked, if it was obligatory to keep a copy of a regimental court martial for three years, or if there would be opposition to an Amendment to that effect? Under the existing law, a copy of the proceedings of a regimental court martial need not be given to a prisoner. Of course, in the case of a general court martial, the proceedings were kept.

COLONEL STANLEY confessed he could not answer with certainty; but as it was provided that a prisoner tried by court martial should be entitled to a copy of the proceedings within three years it was reasonable to suppose a copy existed.

MR. MUNTZ regarded the Amendment as fair and moderate. It was only just that a man applying for a copy should have it at a price which would be no loss to the Department. A law copying clerk received 10s. a-day, and a man making these copies at the rate of 2d. for 72 words would make nearly 50 per cent more than 10s. a-day. He could not see why a man should have to pay an exorbitant price for a copy, and he should support the Amendment if a Division was called.

MR. BIGGAR thought that the proposal to add the words "not exceeding" showed that the Judge Advocate General had not quite understood the Amendment, nor had he listened to the arguments in its support, for the addition of the words "not exceeding" would leave the clause as it stood practically. He saw no reason why a prisoner should not have a free copy; but, certainly, it was not a transaction out of which Government should desire to make a profit.

SIR WILLIAM HARCOURT thought the Committee should know exactly what it cost to make a copy, for a man ought to have it for the mere cost—the legitimate price at which these documents could be copied. He had an impression that the stationers' price was 2d.; and, if so, all that the Judge Advocate General's Office had to do was to pay whatever was the extreme price to a law stationer. Perhaps the Judge Advocate General could tell the Committee this?

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MR. CAVENDISH BENTINCK said, he had not investigated this; but he was only anxious the work should not become an extra charge on the Department.

COLONEL STANLEY found the Chancellor of the Exchequer did not seem appalled at the sum likely to be cast on the Estimates. All that was desired was to insure that a copy should be made at cost price. He did not want to put a prohibitive price on a copy, nor, on the other hand, did he want to put the country to a loss. From what he had heard, he agreed that 4d. was rather too high for this country; but it did not follow it was so elsewhere. The same price might not be too high in other parts of the world. However, it was not worth while fighting about, and he was ready to accept the Amendment, provided that if, on inquiry, it was found necessary, an alteration might be made in the wording. Meantime, he would accept the Amendment.

SIR ALEXANDER GORDON wished to postpone the Amendment, in order to enable the hon. Member for Meath (Mr. Parnell) to interpose an Amendment in line 14.

Amendment, by leave, *withdrawn*.

MR. PARNELL wished to propose an Amendment to an earlier part of the clause, in line 14. It was a matter of some importance, and his object was to extend the period within which the records of courts martial could be obtained from the limited period at which it stood in the clause—three years—to seven years. He had no wish to burden commanding officers with the duty of keeping these records for seven years; but they could, with every facility for reference, be kept at the War Office. Some years ago he wanted to obtain an account of a court martial with reference to proceedings which took place in Ireland; but it could not be had, because the time for keeping it had expired. In this case it was important to obtain a copy; and there must be many like cases where it might be important to obtain a record even after the lapse of three years. After going to the expense of having the copy made there could be no difficulty in retaining it for a few years, more or less. He hoped the right hon. and gallant Gentleman would assent to the Amendment, which was to leave out the word

inserted in the Bill would not help those who were not trained in the law to say what was legal evidence and what was not.

MR. PARNELL was willing to accept the suggestion of the hon. and learned Member for Taunton (Sir Henry James), because he thought it was a very good one. At present, there was an entire absence of any provision of the kind he suggested in the Bill; and, as a consequence, it was very vague and uncertain, and, apparently, left a great deal to the discretion of the military authorities. He would, therefore, propose to withdraw the Amendment, in order to bring up a new clause subsequently.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, he had another Amendment, on page 68, line 2, after "thereupon," to insert—

"Inquire into such alleged offence, and after examination any witnesses that may be produced against or for the person so accused, and after hearing any statement that may be offered by counsel in defence."

This clause contained very peculiar provisions, for it proposed to give a court power to punish offences without evidence, merely on the certificate of the president of a court martial. These offenders could not be punished by the court martial against whom the offence was committed. They were not subject to military law; and this clause provided that the offence should be certified by the president of the court martial to any court of law in that part of Her Majesty's Dominions where the offence was committed, which had power to punish offences of that kind; and the court might thereupon punish the witness in like manner, as if he had committed such offence in the court itself. He thought such a punishment should not be inflicted without some proof. Ordinarily, of course, proof was not required; because, if the court considered that the witness had committed contempt, whoever presided had power to punish him upon the spot by imprisonment; and, in such a case, they would see the facts, and would be in the position of both judge and jury. In the case of an offence committed before a court martial, the court was required, merely on the statement of the president, to punish, and that was an entirely different mat-

ter. His Amendment provided that the offence should be investigated in the ordinary way before a court; and if it was found that the witness had committed the offence, and not till then, the court was to have power to punish.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) was bound to say that he did not see any objection to the Amendment, for there was no reason why the evidence should not be proved before the court, before the person was punished.

SIR HENRY JAMES also thought that the Amendment was necessary. He would suggest, however, that some amendment of the words suggested was desirable—as, for instance, to leave out the words "by counsel," making them read instead, "statement may be read in defence or otherwise."

MR. PARNELL had no objection to the suggested Amendment.

Amendment, as amended, *agreed to*.

MR. A. H. BROWN said, there was one point which had to be considered, and that was whether, after the word "wilfully," they should not also add the word "knowingly." The emendation had been made several times before in the Bill, and it was as well to have it one way or the other throughout.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought it was undesirable to use two words when one would do, although it did not much matter one way or the other. He could not conceive a man giving false evidence without knowing it was so.

MR. A. H. BROWN observed, that the alteration had been made several times before.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought "wilfully" might stand as the better word. They said that if a man gave false evidence wilfully he must do it knowingly.

MR. PARNELL said, he wished to move an Amendment in the clause in the following form:—To leave out from the end of sub-section C to the end of the clause, and to insert the words—

"He shall be liable, on indictment or information, to be tried for such offence before any court of law, in the part of Her Majesty's Dominions where the alleged offence is committed, which has power to punish for contempt; and, if he be convicted, that court may punish such person in like manner as if he had been guilty of contempt of that court."

This was a clause with reference to the summoning of witnesses, who were not subject to the provisions of the Act in their capacity as civilians; they were not subject to military law. Under the Bill these persons could be summoned before a court martial, and required to produce documents. It was frequently found in Civil Courts that documents were required; but a witness was not bound to produce any which might incriminate himself. He imagined there would be many cases before a court martial where the same rule would apply, and before a Civil Court of Judicature the witness would not be obliged to produce certain documents. For instance, telegrams and other documents could not be required; but without going into details as to what these documents were, he would move the Amendment that the court martial should follow the same rule as was followed in the Civil Court.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought the Amendment was hardly necessary. The proceedings in a court martial were the same as in ordinary courts; but it was perfectly clear that the proceedings of courts martial, with regard to the taking of evidence and other matters, would be entirely regulated by the procedure of ordinary criminal courts. Besides, the Amendments proposed by the hon. Gentleman would not work any alteration in the present law.

MAJOR O'BEIRNE was certainly at an entire loss to understand how the members of a court martial could know what was legal evidence, and what was not. The constant complaint, during the whole of these proceedings, had been that members of courts martial were usually men who had had no legal training whatever, and were incapable of deciding what evidence should be accepted and what rejected. If they left out this Amendment the courts martial would have no guide whatever.

Mr. PARNELL thought the hon. and learned Gentleman had supplied a most forcible argument in favour of his Amendment. He should like to see everything in this Bill made as clear as possible; and he thought the hon. and learned Gentleman would himself admit that it was desirable to avoid any ambiguity in Acts of Parliament. They must remember, too, that they were not here dealing with an Act which would

be administered by gentlemen learned in the law, but by military men, who were very often ignorant even of the statute law of the land. He wished to show that the intention of Parliament was clear on this point, and that officers on courts martial were bound by the ordinary rules in the reception or rejection of evidence. This was only one of a series of Amendments which he would be obliged to move; and after what had been said he thought he was fairly entitled to ask that the Bill should be thus far made plain.

SIR HENRY JAMES thought there was a good deal of force in what the hon. Member for Meath had said; but he would suggest to him whether it would not be better to take a more comprehensive course, and to move a new clause that courts martial generally should be regulated by the same rules as those which governed Civil Courts. This clause only dealt with part of the question. The Attorney General was probably right in saying that the insertion of the word "legal" did not affect the clause; but, still, the difficulty which had been suggested might very probably arise even with experienced officers, for there was nothing at present in the Bill which showed that the procedure in courts martial should be the same as in Civil Courts. He would, therefore, suggest that the hon. Member should withdraw this Amendment, which was only partial, and, instead of moving the subsequent Amendments which he had spoken of, that he should bring up a new clause, comprehensively stating that the rules of evidence should be same in courts martial as in Civil Courts.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought that this substitution would meet the view of the hon. Member for Meath. He was himself under the impression, derived from a conversation with his right hon. and gallant Friend, that there was such a clause as this in the Bill; and he was bound to add that, having hurriedly glanced through it now, he had not yet been able to find it. If there were such a clause, of course, a new one would be unnecessary; while if there were not they could easily introduce it. With regard to what had been said by the hon. and gallant Member for Leitrim (Major O'Beirne), whatever clauses were

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inserted in the Bill would not help those who were not trained in the law to say what was legal evidence and what was not.

MR. PARNELL was willing to accept the suggestion of the hon. and learned Member for Taunton (Sir Henry James), because he thought it was a very good one. At present, there was an entire absence of any provision of the kind he suggested in the Bill; and, as a consequence, it was very vague and uncertain, and, apparently, left a great deal to the discretion of the military authorities. He would, therefore, propose to withdraw the Amendment, in order to bring up a new clause subsequently.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, he had another Amendment, on page 68, line 2, after "thereupon," to insert—

"Inquire into such alleged offence, and after examination any witnesses that may be produced against or for the person so accused, and after hearing any statement that may be offered by counsel in defence."

This clause contained very peculiar provisions, for it proposed to give a court power to punish offences without evidence, merely on the certificate of the president of a court martial. These offenders could not be punished by the court martial against whom the offence was committed. They were not subject to military law; and this clause provided that the offence should be certified by the president of the court martial to any court of law in that part of Her Majesty's Dominions where the offence was committed, which had power to punish offences of that kind; and the court might thereupon punish the witness in like manner, as if he had committed such offence in the court itself. He thought such a punishment should not be inflicted without some proof. Ordinarily, of course, proof was not required; because, if the court considered that the witness had committed contempt, whoever presided had power to punish him upon the spot by imprisonment; and, in such a case, they would see the facts, and would be in the position of both judge and jury. In the case of an offence committed before a court martial, the court was required, merely on the statement of the president, to punish, and that was an entirely different mat-

ter. His Amendment provided that the offence should be investigated in the ordinary way before a court; and if it was found that the witness had committed the offence, and not till then, the court was to have power to punish.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) was bound to say that he did not see any objection to the Amendment, for there was no reason why the evidence should not be proved before the court, before the person was punished.

SIR HENRY JAMES also thought that the Amendment was necessary. He would suggest, however, that some amendment of the words suggested was desirable—as, for instance, to leave out the words "by counsel," making them read instead, "statement may be read in defence or otherwise."

MR. PARNELL had no objection to the suggested Amendment.

Amendment, as amended, *agreed to*.

MR. A. H. BROWN said, there was one point which had to be considered, and that was whether, after the word "wilfully," they should not also add the word "knowingly." The emendation had been made several times before in the Bill, and it was as well to have it one way or the other throughout.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought it was undesirable to use two words when one would do, although it did not much matter one way or the other. He could not conceive a man giving false evidence without knowing it was so.

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THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought "wilfully" might stand as the better word. They said that if a man gave false evidence wilfully he must do it knowingly.

MR. PARNELL said, he wished to move an Amendment in the clause in the following form:—To leave out from the end of sub-section C to the end of the clause, and to insert the words—

"He shall be liable, on indictment or information, to be tried for such offence before any court of law, in the part of Her Majesty's Dominions where the alleged offence is committed, which has power to punish for contempt; and, if he be convicted, that court may punish such person in like manner as if he had been guilty of contempt of that court."

zation; and some limitation ought certainly to be imposed upon it. Six months would certainly give any person accused of contempt full opportunity of repentance, and of meditating upon the full consequences of his crime. They would, also, thus avoid that appearance of vindictiveness which attached to penalties for contempt, inflicted by the Judges without the intervention of a jury. He could not at all see why contempt should not be tried by a jury like everything else. If the Committee wished it, the punishment might be extended to a year, and he would not be obstinate in insisting on a point of that kind; but he did think the Committee ought to be obstinate in insisting on the trial of a man accused of contempt by a jury. There was not the slightest reason for taking this offence out of the category of other serious offences, and they ought to seize the present opportunity of insisting upon this reform.

THE CHAIRMAN pointed out that the hon. Member would not be in Order in moving his Amendment until the Amendment then before the Committee had been disposed of. That Amendment proposed to leave out the words "if it seems just." If that were carried, it would then be his duty to propose the insertion of the words proposed by the hon. and learned Member for Taunton. If the hon. Member wished to insert other words, he would be able to oppose their insertion.

SIR HENRY JAMES pointed out that the proposal of the hon. Member had been already disposed of on another Amendment.

THE CHAIRMAN replied, that the Amendment had only been withdrawn, not negatived, and under such circumstances the Committee could not refuse to entertain the Motion.

MR. O'DONNELL said, he would propose to amend the proposed Amendment by leaving out all the words after the word "if," in order to insert these words—

"After the conviction of the accused by a jury, may sentence such person to any term of imprisonment not exceeding six months."

Amendment *negatived*.

Amendment (Sir Henry James) *agreed to*.

Clause, as amended, *agreed to*.

Mr. O'Donnell

Clause 127 (Court martial governed by English law only).

SIR GEORGE CAMPBELL, thinking it better that the members of courts martial should not be fettered and confused by the English law of evidence, moved the omission, in lines 25 and 26, of the words "other than the Parliament of the United Kingdom."

SIR HENRY JAMES could not conceive any worse condition of things than would be occasioned by the striking out of these words. To say that courts martial should regulate their proceedings by the principle of common sense only, without applying to them any statute or law, was equivalent to saying that they should have the power of receiving or rejecting evidence as they thought fit. On such a principle, the members of the court would be allowed to create law, and call upon persons accused to answer questions.

SIR GEORGE CAMPBELL expressed his distinct belief that no law of evidence was better than the English law of evidence, and that the common sense of questioning the accused was right.

Amendment, by leave, *withdrawn*.

MR. PARNELL moved, at the end of the clause, to add—

"Provided always that no evidence shall be received by a court martial which would not be admissible in any suit, trial, or proceeding before a court of civil or criminal jurisdiction, and that the rules of evidence to be observed by a court martial shall be the same as those which are followed by courts of civil or criminal jurisdiction."

Thinking that this Proviso would at once commend itself to the sense of the Committee, he did not propose to take up any time by making any observations thereupon.

THE ATTORNEY GENERAL (SIR JOHN HOLKER) could not agree that courts martial should be allowed to receive or reject evidence as they thought proper; and it was, of course, desirable that they should be guided by some rules of evidence, which, in his opinion, should be the law of evidence followed by civil tribunals. Therefore, he thought that the Amendment of the hon. Member for Meath should be accepted, but embodied in the new clause which the Government had agreed to introduce when the discussion took place upon the previous clause.

was a contempt of court. He might also be out of temper, or he might not know the law, and so might certify that contempt had been committed when it had not. It could only be fair, in such circumstances, to allow the jury to judge the fact. He really thought the right hon. and gallant Gentleman might postpone the clause, in order that they might have an opportunity of seeing how the matter could be arranged.

MR. RYLANDS suggested that they should leave out the last portion of the clause, with the view of having the matter looked into.

THE ATTORNEY GENERAL (SIR JOHN HOLKER) asked whether the hon. Member would not be satisfied if similar words were introduced here to those introduced in the earlier part? It did not seem to him that there was very much difference between the offences mentioned in the earlier part of the clause and that mentioned in this later part. They all came under the same category. He would, therefore, propose that the same words be used as in the earlier part.

MR. PARNELL saw there was a difficulty in the matter; and if he could not have the clause postponed he would accept the suggestion of the hon. and learned Gentleman. He wished, however, to guard himself against being understood to accept this as a satisfactory conclusion. He hoped attention might be drawn to the matter on the Report by some Members better qualified to deal with this subject than he was.

MR. BIGGAR said, before this Amendment was withdrawn he should like to remark that the objection of the hon. Member was one which it was very desirable to carry out. The offence was really very much less than those comprised in the earlier part of the clause, yet it was liable to far greater punishment in a far more arbitrary way. Judges had the most exalted idea of their own importance, and they were impressed with the idea that the very smallest amount of what they considered interference with their prerogatives would entitle them to inflict this extreme punishment. For that reason, he was sorry his hon. Friend had not insisted on having a Proviso in this clause that a person charged with this offence should be tried by a jury. They had in Ireland recently had the most outrageous of punishments for the very slightest offence of this kind; and they

had seen advocates sent to gaol for weeks, while the interests of their clients were entirely neglected. One man had been sent to prison for a month and fined £250, merely for criticizing the conduct of a Judge in the trial of a case. He very much regretted that the Amendment was to be withdrawn.

Amendment, by leave, *withdrawn*.

SIR HENRY JAMES said, he would move an Amendment similar to that suggested by the hon. Member, simply varying the words of the hon. Member. In page 68, line 19, he would move to omit "if it seems just," in order to insert these words—

"Inquire into such alleged offence, and, after hearing any witness that may be produced against or on behalf of the person accused, and to hear any statement that may be offered in defence, punish such person," &c.

MR. O'DONNELL thought they ought to take the opportunity, in this clause, of effectually limiting the jurisdiction with regard to contempt possessed by Courts of Justice; and that, in fact, they should require that an offence of this vague and yet awful character, and which brought with it such severe consequences, should, like the generality of serious offences, be tried by jury. It was high time to put a stop to the powers of courts, which decided off-hand, without the intervention of a jury, upon an offence like that of contempt. For that purpose he had provided an Amendment, which, if insufficient, would certainly have the effect of leading to alterations of the law in other respects. He intended to have put this Amendment on the Paper yesterday; but the House, unfortunately, adjourned some minutes before 6, and he found himself shut out. This would be the same Amendment as that moved by the hon. and learned Member for Taunton (Sir Henry James), except that he would leave out the words after the word "if," to the end of the clause, in order to insert these words—

"After the conviction of the accused by a jury, may sentence such person to any term of imprisonment not exceeding six months."

At present, the imprisonment for contempt might last any period, and until it pleased the court to believe that the offender had purged himself of his contempt. That was a piece of legislation which belonged to the time before civili-

zation; and some limitation ought certainly to be imposed upon it. Six months would certainly give any person accused of contempt full opportunity of repentance, and of meditating upon the full consequences of his crime. They would, also, thus avoid that appearance of vindictiveness which attached to penalties for contempt, inflicted by the Judges without the intervention of a jury. He could not at all see why contempt should not be tried by a jury like everything else. If the Committee wished it, the punishment might be extended to a year, and he would not be obstinate in insisting on a point of that kind; but he did think the Committee ought to be obstinate in insisting on the trial of a man accused of contempt by a jury. There was not the slightest reason for taking this offence out of the category of other serious offences, and they ought to seize the present opportunity of insisting upon this reform.

THE CHAIRMAN pointed out that the hon. Member would not be in Order in moving his Amendment until the Amendment then before the Committee had been disposed of. That Amendment proposed to leave out the words "if it seems just." If that were carried, it would then be his duty to propose the insertion of the words proposed by the hon. and learned Member for Taunton. If the hon. Member wished to insert other words, he would be able to oppose their insertion.

SIR HENRY JAMES pointed out that the proposal of the hon. Member had been already disposed of on another Amendment.

THE CHAIRMAN replied, that the Amendment had only been withdrawn, not negatived, and under such circumstances the Committee could not refuse to entertain the Motion.

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"After the conviction of the accused by a jury, may sentence such person to any term of imprisonment not exceeding six months."

Amendment *negatived*.

Amendment (*Sir Henry James*) *agreed to*.

Clause, as amended, *agreed to*.

Mr. O'Donnell

Clause 127 (Court martial governed by English law only).

SIR GEORGE CAMPBELL, thinking it better that the members of courts martial should not be fettered and confused by the English law of evidence, moved the omission, in lines 25 and 26, of the words "other than the Parliament of the United Kingdom."

SIR HENRY JAMES could not conceive any worse condition of things than would be occasioned by the striking out of these words. To say that courts martial should regulate their proceedings by the principle of common sense only, without applying to them any statute or law, was equivalent to saying that they should have the power of receiving or rejecting evidence as they thought fit. On such a principle, the members of the court would be allowed to create law, and call upon persons accused to answer questions.

SIR GEORGE CAMPBELL expressed his distinct belief that no law of evidence was better than the English law of evidence, and that the common sense of questioning the accused was right.

Amendment, by leave, *withdrawn*.

MR. PARNELL moved, at the end of the clause, to add—

"Provided always that no evidence shall be received by a court martial which would not be admissible in any suit, trial, or proceeding before a court of civil or criminal jurisdiction, and that the rules of evidence to be observed by a court martial shall be the same as those which are followed by courts of civil or criminal jurisdiction."

Thinking that this Proviso would at once commend itself to the sense of the Committee, he did not propose to take up any time by making any observations thereupon.

THE ATTORNEY GENERAL (*Sir JOHN HOLKER*) could not agree that courts martial should be allowed to receive or reject evidence as they thought proper; and it was, of course, desirable that they should be guided by some rules of evidence, which, in his opinion, should be the law of evidence followed by civil tribunals. Therefore, he thought that the Amendment of the hon. Member for Meath should be accepted, but embodied in the new clause which the Government had agreed to introduce when the discussion took place upon the previous clause.

SIR HENRY JAMES asked the hon. Member for Meath (Mr. Parnell) to allow the Amendment to be postponed. He perfectly agreed in the necessity for regulating the proceedings of courts martial in the matter of evidence; but thought that the Amendment, in its present shape, might lead to a great many difficulties.

MR. RYLANDS thought it would be better to withdraw the Amendment, and leave the matter in the hands of the Government. He would be glad to know whether the Secretary of State for War intended to provide some means by which there could be a review of the decisions of courts martial?

THE CHAIRMAN pointed out that the hon. Member for Burnley (Mr. Rylands) was not speaking to the Amendment before the Committee.

MR. PARNELL asked leave to withdraw his Amendment, in the hope that the Government would carry out the views with regard to this matter to which the Committee seemed inclined—namely, that they should include provisions as to the procedure with reference to the rules of evidence in the clause relating to the first part of Clause 127, which they had agreed to introduce.

Amendment, by leave, *withdrawn*.

MR. RYLANDS thought that when the Committee was dealing with courts martial it was not much out of Order to suggest that there should be some means of reviewing their proceedings. He merely wished, however, to urge upon the attention of the Government that the matter had been under the notice of the Committee, and to submit that it was very well worthy of the consideration of the Government.

MAJOR NOLAN inquired, when the new clauses promised by the Secretary of State for War, particularly that which related to the provosts marshal, would be laid on the Table?

COLONEL STANLEY replied, that the clause particularly referred to required much consideration; and he could only state with regard to it that no unnecessary delay should take place.

Clause *agreed to*.

Clause 128 (Provision in case of insane persons).

MR. PARNELL thought the question of insanity ought not to be decided by

court martial. During the progress of this Bill, the opinion had been more than once expressed by Government that, wherever it was possible, an offence committed against the law of the land would be better tried by a court of ordinary criminal judicature; and he (Mr. Parnell) thought that insanity was not a question which should be tried by court martial. Indeed, he had very great doubt as to whether the question of insanity should be triable by an ordinary court, inasmuch as it appeared to him that it could only be competently tried by a jury of medical men. Of course, that could not be provided for in the present Bill; but the Committee could at least insure that a person charged with being insane should have some facilities for defending himself—for it was a question of defence—and, consequently, an opportunity of getting as fair a trial in the Army as he would have in ordinary civil life. A court martial was, obviously, not the proper tribunal for dealing with the special question of insanity; and, therefore, he begged to move, in page 68, line 28, to leave out from "the," to "and," in line 29, and insert—"He shall be tried before any competent court of criminal jurisdiction, and if found to be insane."

COLONEL STANLEY thought the hon. Member for Meath had a little misapprehended the effect of the clause when he spoke of trying a person for insanity. It was admitted to be a great blot on the present law that no power was given to courts martial to acquit or discharge a person who had committed an offence by reason of insanity. The object of the clause was to remove this blot, and to provide for the trial of insane persons or their acquittal. He could not see what object would be served by bringing the matter before a court of criminal jurisdiction; it might cause hardship and inconvenience; and if such court were to find the accused insane it could only act in the same way as a court martial would act.

MR. MITCHELL HENRY said, the clause was really for the protection of the prisoner, and placed him in the position of a civilian with regard to an offence committed during a period of insanity. And unless it was inserted, no one would be able to make the excuse for him that he was insane at the time the offence was committed. On the

other hand, when a man was manifestly insane and unable to plead, the court would not then punish him for the offence; but he would be removed and placed where his health would be attended to, and where he would be under the Inspectors of Lunacy, who visited both military and civil asylums, and upon whose report he would regain his liberty as soon as he was restored to reason.

MR. O'DONNELL could not help thinking that the Amendment of his hon. Friend the Member for Meath (Mr. Parnell) had increased the blot which had been very properly pointed out by the Secretary of State for War. There was all the difference in the world between giving a court martial power to take cognizance of the fact of insanity, and giving a court martial, composed of three or four rather inexperienced officers, power to decide that a prisoner was insane. The inquiry into insanity was one of the most delicate investigations known to the law; and hon. Members were quite justified in asking the Secretary of State for War to take cognizance of that fact. Of course, it was absurd that, under the existing military law, a court martial should be unable to take note of the fact that a man was insane, and, therefore, unaccountable for his actions; and it spoke strongly for the intense conservatism of the military authorities that such a thing should exist at the present day. But, in his zeal to remove this blot, the Secretary of State for War had jumped too far. At present, the court martial could not take any cognizance of the fact of insanity; but that was no reason why it should have the great power given to it to declare that a man was insane. A question of that kind should be inquired into before a jury, to whom skilled evidence should be presented; it was altogether beyond the competence of a military tribunal composed of three or four officers, who, although experienced in military affairs, would possess no aptitude to inquire into cases of insanity. A man might commit an offence under temporary excitement—under the influence of sunstroke—and to the intelligence of three or four officers he might appear mad. But he might not be mad after all. And yet the stigma of insanity would, by the operation of this clause, be put upon

him, and he might be handed over to undergo a term of imprisonment vastly longer than that which might have been incurred by the commission of the offence with which he was charged. Therefore, he could not but think that opposition should be given to the amendment of the law as it stood in this clause, which went altogether too far in the direction of reform, and that something short of it should be insisted upon.

MR. HERSCHELL thought the Amendment would not carry out the object of the hon. Member for Meath (Mr. Parnell); because, if the court of criminal jurisdiction should find the person not to be insane, he would be shut up until the next Assizes, and then be tried for, perhaps, a trifling offence. At the same time, he did not think the clause, as it stood, carried out the intention of the right hon. and gallant Gentleman the Secretary of State for War, which he (Mr. Herschell) thought was that the court should acquit the accused person on the ground of insanity. For "where," as the section said—

"it appears on the trial by court martial of a person charged with an offence that such person is insane,"

the insanity of the person would render him an unfit person to try. He, therefore, submitted that some alteration of the clause was necessary.

COLONEL STANLEY said, that undoubtedly some words would have to be used to make the matter clearer than it appeared to be, and he would take a note of the point. It might be necessary to say—

"Where it appears on the trial by court martial of a person charged with an offence that such person is insane, or who at the time he committed such offence was insane."

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, the clause was, no doubt, defective, and would have to be very carefully considered with a view to its amendment.

SIR GEORGE CAMPBELL reminded the Committee that although it might be extremely inconvenient that courts martial should deal with civil offences, the great majority of offences for which a soldier was likely to be tried were of a military character. He pointed out the difficulty of relegating a man to a civil court to be tried for a military offence, and trusted that the hon. Member for Meath (Mr. Parnell) would withdraw

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his Amendment, upon the Government undertaking to bring up a new clause on Report.

COLONEL STANLEY said, it would save time if an amended clause were brought up on Report. He had no objection to the postponement of the clause, if the Committee agreed to that course.

MR. PARNELL thought it better to postpone the clause, inasmuch as his view did not correspond with that expressed on the Front Opposition Bench. His Amendment might have been badly drawn; but it was certainly not his intention to have a military offence tried by a civil tribunal; he merely wished that the ordinary court should deal with the question of insanity; because a court martial of three or four officers was manifestly incompetent to decide whether or not a person was insane. Take the case of a man accused of getting drunk, for which offence he might be imprisoned for 40 days. It appeared to the regimental court martial that he was insane, and the court at once went through forms which, practically, had the effect of allowing him to be imprisoned during Her Majesty's pleasure. The clause, he admitted, was an improvement upon the existing law; but it was not as perfect as the Committee ought to try to make it. It would be better to say—

"Provided that where a person appears to be insane he shall be examined by a competent medical board."

He should be adverse from leaving it to regimental officers to decide the very important medical question of insanity, which was really neither for a court martial nor a jury. He was willing to withdraw his Amendment, on the understanding that an amended clause should be brought up on Report.

MR. MITCHELL HENRY objected to the Amendment of the hon. Member, whose experience in cases of insanity was not, he thought, as great as his own. He considered the present system of Home Office inspection would be better than the proposed jury of experts to decide in cases of insanity. The clause was a protection to the prisoner, and enabled him to plead before a court that he was insane, when, if the court came to the conclusion that he was insane, they could acquit him of the offence and send him to an asylum.

MR. O'DONNELL thought, after trying to follow the argument of the hon. Member for Galway (Mr. Mitchell Henry), that the most evident point of his speech was that his own experience had led him to believe in the worthlessness of medical evidence; or, at any rate, that medical men were not reliable authorities on the subject of insanity. Insanity was a disease of the brain; and as the hon. Member had said that medical men could not be considered reliable authorities, certainly those who were not even medical men could not be very good judges in questions of insanity. Therefore, he could not but think that one portion of the objection raised by the hon. Member for Galway against the Amendment told against himself. Again, the hon. Member had spoken in a decided manner against the opinion of the hon. Member for Meath in cases of insanity. Now, while the hon. Member for Meath was not prepared to say that his opinion in this respect was worth much, it must be obvious to the Committee that his opinion would be equally as trustworthy as that of any ordinary member of a court martial. He could not but think that the hon. Member for Galway, and all those who supported the clause, had entirely failed in giving any reason why the ordinary procedure in the case of supposed insanity should be dispensed with. That was the point of contention; but as he understood that the clause was to be postponed, it would be unnecessary to discuss the matter at greater length on that occasion.

Amendment, by leave, *withdrawn*.

Clause *postponed*.

General Provisions as to Prisons.

Clause 129 (Arrangements with Indian and colonial governments as to prisons).

MR. PARNELL moved the addition, at the end of the clause, of the words—

"Provided, That where a prisoner has been sentenced in India or in a colony to a term of imprisonment with hard labour exceeding twelve months, or to a term of penal servitude, he shall be transferred as soon as practicable to a prison or convict establishment within the United Kingdom, there to undergo his sentence."

The system of keeping persons in prison in India and the Colonies for long periods was a very objectionable one.

He had known cases where men had been thoroughly broken down in health in consequence of their having been imprisoned under such circumstances, and who were then sent home and discharged from the Service. There could be no reason why men should be condemned to these lengthy terms of imprisonment under conditions that ruined their health; and he therefore commended the proviso to the consideration of the Committee, and to the feelings of humanity of the right hon. and gallant Gentleman the Secretary of State for War.

COLONEL ARBUTHNOT confessed that a good deal was to be said in support of the Amendment proposed by the hon. Member for Meath (Mr. Parnell). He (Colonel Arbuthnot) thought it undesirable that soldiers should be subjected, in different parts of the world, to the various rules and regulations in force there. Not only had his own observation and experience led him to this opinion, but the matter had also been brought to his attention by officers in high position, who would, he was quite sure, be gratified at anything being done which bore in the direction indicated. He was sorry that the Home Secretary was not in his place; but he might, perhaps, be allowed, while upon this clause, to appeal to the Secretary of State for War to put all the pressure he possibly could upon the Home Secretary, with a view to the separation, as far as practicable, of the military prisoners from the other occupants of the gaols to which they were committed. It was known that the military prisons were not large enough, and that military prisoners were, in consequence, sent throughout the country.

SIR HENRY HAVELOCK rose to Order. He thought that the point of the hon. and gallant Member for Hereford (Colonel Arbuthnot) would be more properly raised on the next clause.

THE CHAIRMAN pointed out that the Question before the Committee was the Amendment of the hon. Member for Meath with reference to the removal of prisoners from India and the Colonies to the United Kingdom. The point raised by the hon. and gallant Member for Hereford would be more pertinent to the subsequent clause of the Bill.

COLONEL ARBUTHNOT had no wish to travel beyond the Question before the Committee; but he could not help thinking that the question which he had raised

was peculiarly applicable to the present clause of the Bill. He asked that when soldiers were sentenced for military crimes which could not be committed by civilians, and sent into civil prisons, they should not associate with the dregs of society. He contended that this was undesirable; and, therefore, asked the Secretary of State for War to appeal to the Home Secretary to make every regulation, consistent with prison discipline, for the separation of military from civil prisoners. If military prisoners committed offences for which they were convicted and sentenced by civil law, he did not say that there should be any special distinction made in their case; but it was very undesirable that soldiers should mix with the dregs of society.

SIR GEORGE CAMPBELL wished to make an appeal to the Government in the direction of the Amendment of the hon. Member for Meath. He had found very great inconvenience in India by keeping prisoners there who had been sentenced to long terms of imprisonment. He had also experienced the difficulty alluded to by the hon. and gallant Member for Hereford (Colonel Arbuthnot) with regard to keeping together military and civil prisoners, although it was not altogether for the reason suggested by him — that military prisoners were herded with the dregs of the civil population. On the contrary, he had found, from his experience of the working of a large gaol in India, which was under his control, that the military prisoners, who were, for the most part, desperate characters, altogether corrupted the civil element, and rendered the maintenance of discipline extremely difficult. He trusted that the matter would be settled in a manner that would insure that all soldiers sentenced by court martial to long terms of imprisonment in India and in tropical Colonies should not be kept there, but sent back to the United Kingdom. The Government of India at one time thought it desirable to bring together a large number of military and civil prisoners in a large gaol, constructed at great expense, and on the highest principles of sanitation; but the results, both in respect of the health and discipline of the prisoners, were very bad. It was found that the health of the soldiers was very much affected, and that they suffered in many other ways; the maintenance of discipline being also

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found impossible, the Government determined to do away with the gaol as a military prison. These reasons appeared to him to be strongly in favour of the Amendment of the hon. Member for Meath, which he trusted would be carried into effect.

MAJOR O'BEIRNE suggested that the words, "to any sanitarium in any of the stations in India," should be added to the Amendment proposed by the hon. Member for Meath. The suffering endured by soldiers imprisoned in India amounted to positive cruelty. But if the plan of sending them to the Hill Stations, some of which were 6,000 feet above the level of the sea, were adopted, they could undergo their sentences without suffering any greater inconvenience than they would in England. By this means the country would be saved expense, while the objects aimed at by those who desired that prisoners should be sent from India to England would be gained.

SIR GEORGE CAMPBELL said, the plan suggested by the hon. and gallant Member for Leitrim (Major O'Beirne) had also been tried in India, but with unfortunate results; the peculiarities of the water, and other circumstances, having been found to be most injurious to the health of the prisoners. His practical experience was that the difficulty could not be got over in the way suggested by the hon. and gallant Member.

COLONEL STANLEY said, the Committee were nearly all agreed upon the principal matter—namely, that there were two points of consideration. First, that imprisonment in India should not be treated as analogous to imprisonment in this country; and, secondly, that there was no desire to cause men to be imprisoned to any extent which would cause their health to suffer. With regard to sending prisoners home to England, the Committee, he hoped, would bear in mind that the transit of prisoners to and from India was conducted by means of a service of singularly fine troop ships, which only passed through the Red Sea at a certain time of the year. Now, if it was said that every prisoner was to be brought home, certain difficulties would result. For instance, in the case of a man sentenced to a short term of imprisonment, he might actually be embarked, and his time might have expired before he arrived in this country.

Again, another man would have to be sent out to take his place, and considerable expense would thereby be cast upon the country. Further, he did not think it would work with advantage to the discipline of the Army to say that every man must necessarily be sent home. He wished, also, to call the attention of the Committee to the fact that courts martial, in sentencing prisoners, had very considerable regard for the circumstances under which a man might be confined. He did not think it wise to assent to the Amendment, inasmuch as its object, if carried out in cases of imprisonment, would not be conducive to the maintenance of discipline; and, as regarded penal servitude, the remedy which it suggested was already, to a great extent, provided by the earlier clauses of the Bill. He trusted, therefore, that the hon. Member for Meath would see that the subject had received very considerable attention, and that he would not press his Amendment.

MR. PARNELL was sorry that the right hon. and gallant Gentleman could not see his way to assent to the proposed Amendment. After the explanation given, he should be willing to adhere to the original Amendment, so far as the sending back of prisoners sentenced to 12 months was concerned. That, he believed, would meet the objection made to his Amendment by the right hon. and gallant Gentleman, and would leave ample time for sending a man back; while the saving clause, "as far as practicable," would guard him still further against the possible inconvenience which he had pointed out. The prisoners in this country were really guarded very carefully in the matter of their rules and regulations. But this clause proposed to give power to imprison soldiers in prisons which were in no way under our control, and which were not subject to our laws. If there was one thing rendered more evident than another during the discussion which took place upon the Prisons Act of 1877, it was that the question of management of prisons, and of the discipline of the prisoners confined in them, required the closest attention of Parliament. Since the prisons had been handed over to the Home Office, with all the safeguards introduced, and with all the provisions made for the safety and good treatment of the prisoners, with the

powers of Visiting Justices, whose duty it was to look into these places, there had been repeated cases in which, notwithstanding the desire of the Home Secretary to do that which was right, our prison system had broken down. If such cases occurred in this country, how necessary was it that the attention of Parliament should be directed to matters in prisons not under the supervision of the Home Secretary, or the control of Parliament? As regarded penal servitude, he did not agree, as was suggested by the Secretary of State for War, that his object was met by the previous clauses of the Bill, inasmuch as prisoners could be sent to Bermuda, which was a hot and unhealthy climate.

COLONEL COLTHURST observed, that sentences for more than 12 months were very rare; for when a soldier was convicted of an offence for which he ought to receive a punishment of over 12 months imprisonment, then he ought to have a sentence of penal servitude, and be quite got rid of. Objections had been raised by the hon. Baronet the Member for Kirkcaldy (Sir George Campbell) to the injurious effects of the climate of India upon prisoners confined in gaol. In his opinion, a man might be imprisoned for 12 months without suffering much from the effects of the climate; but his health would be much affected if he were confined in India, or any hot climate, for longer than that period.

SIR HENRY HAVELOCK said, that if the hon. Member for Meath would agree to alter his Amendment to 15 months he would support him. No doubt, it was an improper thing to keep Europeans in confinement in India for a long period, and they ought, as much as possible, to avoid doing so. But it sometimes happened that a soldier wanted to be sent home to this country, and, for that purpose, would commit an offence for which he would be punished and sent home to England. He thought if the period of imprisonment which would bring a man home was put at 15 months, the sentence would be sufficiently severe to deter men from committing offences in order to be sent home. The hon. Member for Meath was, however, perfectly right in desiring that sentences over a certain length of time should not be carried out in India. The

objections raised to serving punishments in India applied very strongly to over two years' imprisonment. There would be no harm in making the minimum for which a man was to be sent home 15 months; because, where a sentence exceeded 12 months, 18 months was generally given. It was perfectly right that sentences for 18 months should be served out at home; but there was a difficulty if a mere sentence of 12 months' imprisonment should necessarily give a man a right to return to this country. He thought, under the circumstances of the case, that it would be a reasonable proposal to ask the hon. Member to insert 15 months in his Amendment; for he did not think that a soldier would wish to commit an offence, for which he would get so severe a punishment as 15 months, simply in order to be sent home.

MR. ASSHETON CROSS said, that this proposal struck him very much in the same manner as the hon. and gallant Baronet opposite (Sir Henry Havelock). There might, no doubt, sometimes be an inducement to soldiers who wished to return home, to commit some small offence, in order that they might be sentenced to a short term of imprisonment and sent home. Of course, that was a practice which they could not possibly encourage. In the main, however, he entirely agreed with the hon. Member for Meath; and he knew nothing more objectionable than that persons subject to long terms of imprisonment should be made to serve out those sentences in hot climates, where the prisoners were confined in gaols over which this House had no control. He quite agreed that, under those circumstances, it was right that they should be brought home. He thought that the proper thing would be to substitute 18 months for 12; and he would, therefore, agree to the Amendment of the hon. Member for Meath, if he would accept the clause in that manner. He hoped that the hon. Member would appreciate the reasons which led him to do this. In the first place, everyone must wish that prisoners should be sent to serve out their sentences in climates where it was not hot. But, on the other hand, they would entail a danger of encouraging soldiers to commit offences in order to be sent home, if they gave them the right to be sent home when punished with a small term of imprisonment.

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MAJOR O'BEIRNE had never known any instance of men deserting in India. It was his experience that men liked to go to India, and were never absent when ordered to that country. He did not think that there was any probability of their committing these offences for the purpose of being transported from India. He did not approve of the proposal to alter the term of imprisonment for which a soldier should be sent home from 12 months to 15, nor to 18, as proposed by the right hon. Gentleman the Home Secretary. He trusted that the hon. Member for Meath would not give way on the point.

Mr. SULLIVAN was glad to see that the Government recognized the force of the argument of his hon. Friend the Member for Meath. The Government had recognized, to the full, the considerations he had urged; and he thought that it was hardly worthy of the Committee to enter into discussion as to whether the term should be 12 months, or 15 months, or 18 months. He felt very strongly that, whether it was a matter of three months' imprisonment or of six months' imprisonment, yet that they must draw the line somewhere; and was it not a reasonable proposal that, for sentences of 12 months, the prisoners should be brought within the control of the right hon. Gentleman the Home Secretary himself? When a prisoner was a soldier serving in the ranks, it was right that he should be kept in a prison under proper Parliamentary and Constitutional control—which he would not be if allowed to serve out his imprisonment abroad. With respect to the argument that soldiers would commit crimes for the purpose of being sent home, he did not think that it had any weight. He had some real information upon the point, and that information was certainly not in accordance with the view taken by the right hon. Gentleman the Home Secretary. Soldiers preferred remaining in India to being sent home, for in India they had servants to wait upon them, and do things for them, which at home they did for themselves. He would like to know whether it was really the fact that soldiers would be likely to commit crimes, which would entail 12 or 15 months' imprisonment, for the purpose of becoming liable to be sent home? He would appeal to the Government not to meet this Amend-

ment in an obstinate spirit; for he was convinced a little reflection would show them how undesirable it was that, having admitted the whole case urged by the hon. Member for Meath, they should insist in making the term of imprisonment 18 months instead of 12. It seemed to him that it was like haggling over an article in a shop, instead of acting as a deliberative Assembly. He was convinced that if his hon. Friend would stand by his Amendment public opinion out-of-doors would justify him in the course he had taken.

COLONEL COLTHURST desired to raise the whole question as to the desirability, or the undesirability, of imprisoning soldiers in civil gaols. For he did not think it right that soldiers should be sent to civil gaols where they were crowded with convicts of all grades. The hon. Baronet the Member for Kirkcaldy (Sir George Campbell) had stated the injurious effects that imprisonment in India produced upon Europeans; and he would ask the right hon. Gentleman (Mr. Cross) to re-consider this question. He thought that any such practical inconvenience from leaving the Amendment as it stood would be met by courts martial not sentencing men to imprisonment for more than 12 months when it was undesirable for them to be sent home. In that way it would be quite possible to meet the case of crimes which had been committed for the purpose of being sent home. He was quite of the opinion that if a man committed an offence worthy to be punished by 12 months' imprisonment then that man had better be sent to penal servitude and got rid of altogether.

Mr. O'DONNELL did not desire to refer to the point raised by the hon. and gallant Gentleman the Member for Sunderland (Sir Henry Havelock), nor was he going into the question of the advantages or disadvantages of soldiers being placed in civil gaols. What he wished to do was to point out that the Amendment of the hon. Member for Meath was a humanitarian Amendment, and one which would in no way diminish the efficacy or efficiency of punishment. Speaking in that point of view, he might say that he was perfectly convinced that punishment in Indian gaols was quite too horrible to contemplate. Imprisonment in Indian gaols at present was very much the same as imprisonment in the

worst kept gaols in this country in the old times—before there was any reform in the system—with the hot climate super-added. He had not had time, during that Session, to carry out an engagement which he had entered into to bring the condition of the Indian civil gaols before the notice of that House. He might say that all the leading English newspapers in India, and all the most respectable journals of that country, had been latterly drawing attention to the frightful mortality which took place in Indian gaols. In some cases the mortality had been ten times as great as the mortality out-of-doors in the same place. Nothing that they knew of in their present life at home could give a fair analogy by which they could judge of the horrors of prison life in India. In fact, he confessed that his only objection to the Amendment of his hon. Friend the Member for Meath was this—that if they took European soldiers out of Indian prisons, and if they removed their liability to serve out their time in Indian gaols, then the Indian gaols, already fearful, would become absolute pandemoniums. Now, the presence of European convicts had a slight effect in improving the condition of Indian gaols. To show the callousness with which Indian convicts were treated, he could not do better than refer to a statement of a most respectable authority—a man who, on all ordinary occasions, was a most humane man. But that gentleman actually maintained that if the frightful mortality in Indian gaols was diminished, that would diminish the deterrent effect of the punishment to such a degree that it would be dangerous. How an ordinarily well-disposed man could take such views as this was astonishing; but it was unnecessary to say that his mind had become warped by officialism, and he did not see the evil tendencies of the doctrine which he affirmed. He did not think that any European soldiers should be exposed to punishment in Indian gaols, unless in cases of absolute necessity; there was no case of absolute necessity which required their imprisonment for 18 months. Twelve months was quite enough; and he believed that the punishment of 12 months' imprisonment in an Indian gaol to a European soldier would injure his health as much as 10 years' imprisonment in a gaol in this country.

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Mr. BIGGAR did not think that the Government understood the nature of the Amendment. The effect of the Amendment was that if a man was sentenced to more than 12 months' imprisonment then he was to be sent home. The Government seemed to think that prisoners ought to be kept for 18 months in Indian gaols for any offence with which they were charged, and that seemed to him to be a most unreasonable contention. If a man were sent to prison, one of two things would happen. Either he would die—which was very likely to happen—or his health would be permanently injured. That must be the practical result of imprisoning Europeans in exceedingly hot climates. He had taken an opportunity of meeting a military prisoner who had suffered confinement during a hot Irish summer. And this gentleman was very seriously injured, by being kept closed up in a private house; yet how much better was that than an ordinary gaol; and if a man's health was so much injured by his confinement in a private house for a few weeks, what would be the effect of confinement for over a year in a Native gaol in India? He did not think that the Government should hold out, and should persist in injuring the health of men, and perhaps causing their death, simply for the purpose of carrying clause after clause without permitting them to be amended in accordance with common sense. The contention of the hon. and gallant Baronet the Member for Sunderland (Sir Henry Havelock) was that the limit of imprisonment should be 15 months. The difference between 12 months and 15 months was very slight, and for this reason—that if a court considered itself bound to give a larger sentence than 12 months it would hardly stop at 15 months, but would give 18 months at once.

Mr. PARNELL could not see what reason the Government could have for holding out against the Amendment. The first reason which the right hon. Gentleman the Home Secretary had given was one which he did not think could be raised to the Amendment. He was not, at first, very certain whether six months ought not to be the limit for which prisoners should be confined in Indian gaols; but in agreeing to the term of 12 months, he did so because he thought there might be some practical

difficulty in providing that they should be sent home when sentenced to a shorter term. Not that he did not consider the term of 12 months was too long, for 12 months' hard labour in an Indian prison, in a climate where every white man was unable to go about during the day time, and was obliged to be assisted by a number of Native servants, who did for him what he did for himself in our climate, was too much. He did not think that there was any objection to 12 months being put as the limit for imprisonment. It had been suggested, by the hon. and gallant Baronet the Member for Sunderland (Sir Henry Havelock), that the limit should be fixed at 15 months, because a man might commit an offence in order to get 12 months' imprisonment. He must confess that he did not understand that contention. It seemed to him so utterly impossible that he could not understand it. Did the hon. and gallant Baronet the Member for Sunderland, and the right hon. Gentleman the Home Secretary, think that men would commit offences which would entail their being sent home in the hold of an English troop-ship to a prison in England, and then sent back to India, on the expiration of their sentence, to rejoin their regiment? He could not understand that any man would do that. If prisoners were discharged from the Service at the expiration of their term of imprisonment, then he could have understood the contention. But it was absolutely impossible to suppose that a man would accept a considerable amount of punishment, being sent home in irons in the hold of a troop-ship, and then being made to do exceedingly hard labour in the prison in England, with the liability of being sent out to India again, and all for the purpose of leaving India. It struck him that 12 months' imprisonment in an English gaol would produce results which a man would carry with him all the rest of his life. It had been said, over and over again, by English Judges, that two years' imprisonment with hard labour was as much as any man could bear. Why, then, should they suppose that men would commit offences entailing all these consequences upon them, simply in order to avoid service in India? Then as to the Indian prisons, they knew absolutely nothing of their discipline and regulations; and it was not right that an

English prisoner should be kept in them for any length of time. No doubt the Governor General could make rules for these prisons; but that House did not know what laws he could make, and he was not amenable to English public opinion, or to the control of that House. He was not in the position of the right hon. Gentleman the Home Secretary, who, during the discussion of the Prisons Bill, was so very much enlightened upon the question that he agreed to material alterations in regulations, as to which he knew nothing until they were brought to his notice, and the rules and regulations in English prisons were laid before Parliament. But the Governor General knew nothing about their proceedings, and was not capable of being influenced by any argument, or Notices of Motion that might be given in that House; but by the clause under discussion they were asked to allow the Governor General to make rules and regulations as to which the House would know absolutely nothing. Perhaps they would be laid upon the Table of the House; but that form was of such small moment that it would go for nothing. They had not the Governor General there—he was not responsible to Parliament in the same way as the right hon. Gentleman the Secretary of State for the Home Department. He would suggest that the Government might agree to the very reasonable Amendment which he had brought forward in a temperate and proper spirit. The objections which the Government had raised to it were absurd and ridiculous, and were, in the highest degree, improbable. Their argument was, that one or two men in India might commit a serious offence in order to be sent home to endure two or three years' imprisonment in England. And because there were one or two hardened criminals in the Service, was it in reason that numbers of other men should be subjected to a term of imprisonment, such as no white man was able to endure? He would ask the Government to re-consider this matter in a spirit of conciliation and concession. This question of prison punishment was one upon which Irish Members felt acutely; the House of Commons, and the people of England, wondered why they took such an interest in it. From the circumstances of the history of their country they had been brought in connection with prison matters. They had

perhaps fortunately been forced upon their attention in the way in which they had not been forced upon the attention of the Home Secretary. Whenever questions of this kind arose Irish Members were bound to be very energetic in watching the actions of the Government. He trusted that the Amendment he had proposed would be assented to by the Government.

MR. ASSHETON CROSS said, that the statement, that the Government had raised objections to this Amendment, was not quite accurate. The objection to the Amendment had been raised by the hon. and gallant Member for Sunderland (Sir Henry Havelock), who had said that if a man in India wanted to be sent home a short term of imprisonment would tempt him to take that means of doing so. He must say that he thought that was very likely to be the case, and that there was really some danger, if they made the term of imprisonment too short. The question really was, whether there was this danger of soldiers in India who wished to be sent home committing offences in order to be so? If that danger existed, he desired to prevent it; and if hon. Members would agree to what he believed to be a very fair compromise, he would accept the term proposed of 12 months. He should propose to add to the Amendment the words—"Unless in the case of imprisonment, the court shall, for special reasons, otherwise order." That would operate to prevent men taking advantage of these means of getting home, for it would enable the court to stop them. He fully recognized the necessity of sending prisoners home who were sentenced to longer terms of imprisonment, and his sole object was to prevent that provision being abused. If hon. Members would consent to the addition he had proposed, he would agree to accept the Amendment of the hon. Member for Meath.

MR. PARNELL thought that the proposition of the right hon. Gentleman was very reasonable, and he should be happy to agree to it. Perhaps a Proviso might be added that when the court otherwise directed it should be for some special reason.

MR. ASSHETON CROSS said, he did not object to that.

Amendment, as amended, *agreed to.*

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MR. BIGGAR was very sorry that the hon. Member for Meath had agreed to the alteration of his Amendment, and for this reason—that he believed that, in practice, in India, and in all hot climates, imprisonment for over 12 months simply meant death to a European. Of course, they knew, at all events, they suspected, that the object of the Government was to get rid of all those soldiers who were considered troublesome. The argument of the right hon. Gentleman the Home Secretary was this—that some warm climates were not so severe as others; and that there would be no great injustice in keeping a man imprisoned there for more than 12 months. But the right hon. Gentleman forgot that in a good climate a prisoner would not wish to get home. In a good climate, like that of Australia, a prisoner would be well satisfied to remain in the Colony instead of being sent to sea. Some climates were very much worse than India; but he had been informed that in these hot climates such a thing as imprisonment for more than 12 months did not exist at all; so that the contention of the right hon. Gentleman would have made no practical difference, and he might have agreed at once to the Amendment of the hon. Member for Meath. The Government seemed inclined to do all they could to make the punishment as severe as possible, and he must say that he thought it bad policy on their part. They should remember how unpopular the British Army was at present, and how unpopular it deserved to be. It was only recently they had heard how an Irish regiment at the Cape had been sent back, instead of being allowed to go to the front, and were thus made practically useless. The Government was bent upon making the position of a soldier as unpleasant as possible, instead of making it as popular and favourable as they could.

Clause, as amended, *agreed to.*

Clause 130 (Duty of governor of prison to receive prisoners, deserters, and absentees without leave) *agreed to.*

Military Prisons.

Clause 131 (Establishment and regulation of military prisons).

SIR HENRY HAVELOCK said, that he proposed to move an Amendment

upon this clause, for the purpose of ventilating a principle; but he did not intend to insist upon the Amendment being accepted as it stood. He desired, in common with all interested in the welfare of the Army, that a practice which went at the root of the welfare of the Army should be taken into consideration. If he received an assurance from the Government that the matter would be considered, then he should not press his Amendment. The Amendment which he had to move was to provide that soldiers under sentence of court martial should be confined in military prisons, and not in civil gaols. The reason for this Amendment was strongly urged by all who had to deal with the Army, and were acquainted with the injurious effect that contact with the civil population in the gaol had upon the soldier. The class of military offenders, whom he did not desire to extenuate, but who had committed purely military offences, ought to be confined in military prisons, and not herded in civil gaols with felons undergoing sentences for crimes of a disgraceful nature. In a letter which he held in his hand, a gentleman of much authority said that, in his opinion, it was inconsistent with the self-respect of the soldier to imprison him in the common gaol with the felon or pickpocket, for he not only obtained his first lesson in crime, but afterwards might recognize his former fellow-prisoner, and, what was more, might be recognized by him. This was a subject which required the immediate attention of the military authorities. There had been considerable changes in these matters from time to time. The system in use before 1842 was to confine soldiers convicted of military offences with ordinary felons, and the most injurious consequences resulted from that practice. A Committee was appointed, presided over by Lord Cathcart, and in 1844 reported as to the desirability of providing military prisons solely for the reception of persons convicted of military offences. As the result of that Committee, military prisons were instituted, which were continued till some years back, when the system was again changed. He did not desire to draw any distinction between the civil offender and a certain class of military offenders; but there were some offences for which a soldier was imprisoned—such as long-continued drunken-

ness, or insubordination of the lesser degree—which were purely military crimes, although they required to be punished for the discipline of the Service. He thought it right that the greatest possible distinction should be made between such offences as these and crimes which inflicted a social stigma upon the offender. He believed it would have a most beneficial effect upon the Army if this distinction were made, and would induce many men to enlist who were now kept from doing so. At present, for the breach of some small matter of military discipline, a man who, under no circumstances, would be guilty of any offence of a disgraceful nature, might, through indiscretion, bring himself into the position of an offender, and be sent to the civil prison and compelled to associate with the worst offenders. He believed that the right hon. Gentleman the Home Secretary was entirely with him in this matter, and that all over the country, in consequence of the Prisons Act of 1877, prisons were becoming empty every day. What he desired to see was some part of these prisons set apart solely for military offenders—for those persons who had been guilty of purely military offences. The decision came to in 1870 to do away with prisons, and in consequence of which military prisons were closed, was come to on very partial and insufficient grounds. A Royal Commission reported that their attention had been drawn to various military prisons; but the prisons which they had seen were amongst the worst in the Kingdom. Then they were shown some model civil gaols, and they drew a distinction between the military and the civil prisons, very unfavourable to the former. But some military prisons were at that time being conducted on the best principles. One of the prisons which the Commission saw was that at Chatham, a very old place, dating back its arrangements from the time that the French were confined there; it was objectionable altogether. Still more objectionable was the military prison at Aldershot, which was a mere temporary edifice, in which there were no proper arrangements to carry out the confinement of prisoners. The Royal Commission of 1869 recommended the abolition of military prisons on what he could not but consider partial and insufficient

grounds. He hoped that the Government would not now refuse to re-consider that decision; and that the right hon. Gentleman the Home Secretary would inform them whether there was any possibility of doing away, at an early period, with the anomaly which he desired to see abolished? He should not press the Amendment, if it were understood that some action would be taken by the Government in the matter.

COLONEL COLTHURST was also in possession of information as to the bad effect upon soldiers from being confined in ordinary prisons. The governor of a large city gaol stated he had about 30 soldiers on an average as prisoners. He knew they had not committed any grave crimes, poor fellows; he rather liked them, they gave no trouble, were not up to the tricks of the old gaol birds; consequently, they were employed by the warders in many offices which gave them greater freedom. This showed that the soldiers who were confined in prisons would be contaminated by being mixed with the ordinary occupants of civil gaols. He knew that some civil gaols were now on the separate system; but some were not. At the present time, soldiers convicted of military offences were divided among about 14 gaols in England, in numbers of from five to 40 in each. Under a system of military prisons, it was considered to be a great part of the discipline, and as a matter which would be likely to have a great effect upon the soldier, that the governor of a military prison was an officer selected for the duty, and that the warders were generally non-commissioned officers; and the discipline of a prison conducted in that way would be likely to make a good impression upon soldiers who had committed what were often in a moral sense really very slight offences. There was another grievance of which the Catholic soldier could complain. Under the present system, in military prisons there was both a Protestant and a Catholic chaplain. In the case of gaols where a few soldiers were confined, there might be only seven or eight Catholics among them. That was not a sufficient number to entitle them to the services of a Catholic priest. If in a town where there was a Catholic priest, no consideration of money would prevent him from attending them, no doubt; but such Catholic

priest would not have the position of a chaplain, nor, what was very desirable, the authority of the prison official. He did not wish to go too much into that argument; but he wished to say that amongst the grievances which the present system of confinement in civil gaols entailed, Her Majesty's Catholic soldiers enjoyed their full share. The Queen's Regulations provided that soldiers who were sentenced to penal servitude, and afterwards to be dismissed with ignominy, were in all cases to be sent to civil gaols, and thus the authorities had attached to civil gaols a certain stigma. But now, this ignominy, which the Queen's Regulations reserved for the worst offences, was inflicted upon every soldier. An officer of great experience had told him of an incident which showed the system in very strong colours. He stated that he had seen a young soldier, sentenced to imprisonment for being disrespectful to a non-commissioned officer, manacled with a prisoner sentenced to be discharged for disgraceful conduct. He hoped that this state of things would not be allowed to continue; and that there would be an inquiry, either by a Committee of that House, or by a Royal Commission, or in any other way, by which a satisfactory result might be obtained. The President of the Royal Commission that recommended the abolition of military prisons in 1870 now seemed to have had his eyes opened in this matter. In his Report for 1877, he said—

“That a re-distribution of prisoners was necessarily governed by the accommodation of the prison: but it was worthy of consideration whether it would not be worth while to enlarge existing prisons to enable them to hold all prisoners of three months' sentences.”

He trusted that the Government would give some assurance that they would deal with this matter.

MR. ASSHETON CROSS said, that this was a question which had often been brought forward, and it was one of the utmost importance. He most entirely agreed with everything that had fallen from the hon. and gallant Gentleman who had brought forward this matter. For his part, he had never concealed his opinion that a soldier, when sent to a prison for an offence, not against the laws of the country, but for some breach of Army discipline, ought to be kept entirely separate from the ordinary

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occupants of the prison. The notion that a soldier should become a gaol-bird was so entirely objectionable that it ought to be provided that soldiers should be kept separate in this way—that a soldier should not be allowed to make a companion of a man who had been sentenced for a crime against the laws of the country. He most entirely agreed with the hon. and gallant Gentleman that that ought to be the case. Till about the year 1840, soldiers who had committed breaches of Army discipline were confined in civil prisons; and he believed the origin of military prisons was this—magistrates made complaints with respect to the evil effects of mixing up soldiers with other prisoners in gaols, and they suggested that there should be military prisons. Certain military prisons were established; and, eventually, a Royal Commission was appointed to inquire into the whole matter, and they reported that all soldiers should be confined in separate prisons, and that was done. He was not prepared to say now that prisons should be built for soldiers, for his right hon. Friend the Chancellor of the Exchequer would have something to say on that matter; but they had endeavoured to do what they could to prevent military prisoners being brought in contact with civil prisoners, though they had not at present done it as fully as he hoped to do. They had prepared certain prisons in Scotland for military prisoners, which prisons would have been closed altogether had they not been used for that purpose. They could only proceed by degrees in this matter, and deal with the prisons as they came into their hands; but they hoped, in other parts of the country, to do what was necessary in order to separate military prisoners from civil. They had sometimes to confine ordinary prisoners with military offenders in the same walls; but it was their intention, so far as practicable, to keep the two classes of prisoners entirely distinct, and not allow them to mix up, in any shape or form, or to be allowed in any way to associate with each other. He trusted that there would be no difficulty in carrying this out. If he found no more difficulty than he had at the present moment, he should be willing to carry out the principle suggested, with which he entirely agreed, that soldiers who were sent to gaol simply for a breach of military discipline

ought not to be considered as criminals in the ordinary sense of the word, nor as gaol-birds, but should be kept as absolutely separate and distinct as possible. With the assurance which he had given on this matter, he hoped that the hon. and gallant Member would not press his Amendment. If they did find any difficulty in the matter, he should be disposed to request the War Office to consider the subject.

MR. O'SHAUGHNESSY did not think that the right hon. Gentleman the Home Secretary had touched upon one very great evil of the present system, and that was that a soldier convicted of a military offence was put upon the ordinary low diet of a prisoner. He thought that that was a very bad rule. They could not afford to punish the soldier to the extent of the loss of his services. In his opinion, the right hon. Gentleman would find it necessary to make some distinction between the dietary of the civil and military offender. With regard to the class of crime which they had heard of within the last two days, there was no reason to exempt those soldiers from the position of ordinary civil criminals. He would, however, impress very strongly upon the right hon. and gallant Gentleman the Secretary of State for War the desirability, if it could be done, of taking away from military offenders the stigma which attached to a man being sent to prison. It had been well observed the other night, when they were discussing the punishment of soldiers, that they could not remedy by law the stigma attaching to a soldier who had been punished. But if they found that there was a stigma which could be removed, then the Government should do their best to remove it. When a man was sentenced for a military offence, which imputed to him no moral wrong, to herd with criminals, a state of things was brought about which kept the better class of men from enlisting in the Army. He thought it highly desirable that the suggestion of the hon. and gallant Gentleman should be agreed to.

MR. PARNEILL thought that the Amendment of the hon. and gallant Baronet was an exceedingly good one. It was a principle which they had been advocating for the last four or five years. He was glad that the right hon. Gentleman the Secretary of State for the

Home Department had gone so far to meet the views of the hon. Gentlemen on that side of the House. He took it that the definition of a military offence would be an offence under this Act, and not an offence created by the law of the land. The Secretary of State for the Home Department had promised them that such offenders should be kept separate from offenders against the law of the land. That was a proposition which he most cordially agreed with. As to the rules and regulations to be made for these military prisons which it was proposed to establish, these would, he presumed, be a question for the Secretary of State for War. It would be impossible for the Home Secretary to frame rules and regulations applicable to military prisons, on the same principles on which he had framed rules for the civil prisons. Perhaps he would be enabled, as regarded matters of detail, to make some explanations. Of course, if the Home Secretary felt that he had sufficient power to make these rules it would not be necessary to give him any additional power. Otherwise, it would be necessary to give him sufficient power to carry out the alterations he intended. As regarded the question raised by his hon. and learned Friend (Mr. O'Shaughnessy) as to the dietary, he thought it was a matter which should be attended to. Some soldiers were being constantly sent to prison for short terms of imprisonment; and it was unwise, by giving them an unduly low diet, to render them unfit for performing their duty. The prison diet consisted, for short-service prisoners, of 16 ounces of bread, and about 1½ lbs. of stirabout per day. The latter consisted of three ounces of meat and three ounces of oatmeal; it seemed to him that that was a very small dietary for a military prisoner; and he thought some alteration should be made in their case. They knew that soldiers were sentenced to penal servitude for breaches of discipline; and he desired to know whether those cases would be covered by the Amendment? After the action of the Queen v. Hogarth, a sergeant was sentenced to five years' penal servitude for what was nothing but an error of judgment or breach of discipline. The man, however, could not have been a very bad character, because he was a sergeant who was in command of an outpost de-

tached for important duty; and it would be a very hard case that that man should be sent home to England, and placed in one of the penal prisons to undergo his sentence. He was anxious to know what the idea of the right hon. Gentleman was with regard to such a case as that? He would also point out that military prisons were not now under the same control as the penal prisons. The military prison which they had was not now under the Prisons Acts of 1865 or 1866; and he rather thought it would be necessary to take power in this Bill with regard to that prison and the prisoners brought there. Otherwise they might find they had not power to carry out their intentions. He supposed a military prison was governed in the same way as the convict prisons, though he should like to have further information on the subject.

COLONEL ALEXANDER said, it had been stated that there was only one military prison—namely, Gosport. He should like to ask whether the Dublin military prison had been closed?

MR. ASSHETON CROSS: No; my statement referred to England.

MR. BIGGAR was glad his hon. Friend the Member for Meath (Mr. Parnell) and his hon. and learned Friend the Member for Limerick (Mr. O'Shaughnessy) had drawn attention to the desirability of giving sufficient food to the military prisoners, because they ought not to be starved as well as imprisoned. The object of sending men to prison—whether they were political or military prisoners—was not to starve them to death, but to subject them to some very strict discipline, and keep them from the outside world. To suppose that they were to be subject to a species of starvation which would endanger their lives seemed a rather serious matter. He thought the proper rule to adopt would be to have a prison régime, under which a soldier would be kept in decent and fair health, and that they should give the same amount of food to other prisoners; because he did not see that a special exception should be made in favour of soldiers. Of course, there was a money consideration with the Government, for it was their interest to retain the soldier, though he did not consider that was a sufficient argument why there should be any different rule as to the way in which

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prisoners should be kept, supposing them to be of the same age and capable of the same amount of work. As to the classification of prisoners, he thought it would be perfectly easy for the right hon. Gentleman to arrange that certain prisons, or certain parts of some prisons, should be set apart for the reception of particular prisoners. He did not think there was any necessity for a Committee of Inquiry, because the Home Secretary had already the power to make arrangements with respect to the prisons under his control.

SIR HENRY HAVELOCK would ask leave to withdraw the Amendment, on the understanding which had been given by the Home Secretary. He hoped no unnecessary time would be allowed to elapse before this great improvement was carried out. They knew that when the pressure of a discussion of this sort was removed for a time there was a tendency to shelve these matters; therefore, he hoped there would be no time lost in dealing with the matter after the undertaking of the right hon. Gentleman. There were upwards of 4,000 military prisoners, 1,300 of whom were in civil prisons.

MR. SULLIVAN desired to know whether they were to understand that prisoners sentenced to penal servitude, as well as those sentenced to imprisonment, would be placed under the excellent arrangements suggested by the Home Secretary? He had understood the observations of the right hon. Gentleman to apply to offences against this Act, irrespective of the length of time of the punishment—that was to say, whether it was penal servitude or imprisonment.

MR. ASSHETON CROSS said, the question of penal servitude was a very difficult one, and his observations were not meant to apply to prisoners sentenced to penal servitude. If a man was sent to penal servitude, it was not for the persons who had charge of the administration of those prisons to distinguish between them and other prisoners—they must treat everyone alike, and not make a distinction in the case of either A, B, C, or D. To do so would lead to the establishment of a very objectionable state of things. His impression was that soldiers who were sentenced to penal servitude were seldom, if ever, taken back into the Army.

COLONEL ALEXANDER said, it was true that up to within a very short time a soldier sentenced to penal servitude was *ipso facto* discharged; but it was found, according to that rule, that soldiers committed offences punishable with penal servitude in order to be discharged from the Army. Therefore, the rule was altered, and the words “may be discharged” were inserted in the 23rd Article of War. That alteration was made a few years ago.

COLONEL STANLEY: It is quite true to say that it is in the minds of the authorities, when an offence is serious enough to be visited with penal servitude, that the man should not any longer remain in the Army.

MR. PARNELL did not see that because a man was sentenced to penal servitude for breach of discipline, therefore he had necessarily been guilty of a disgraceful act, and that he was to be subject to the same regulations which he would be provided he had committed a crime punishable with penal servitude. He should like to know whether the right hon. Gentleman had received any information respecting the case of the sergeant to which he called attention the other day? At that time he was told he was out of Order; but there had now been plenty of time to receive a report on the subject. He admitted that cases like those of desertion were disgraceful offences; but there were many other offences in this Act for which penal servitude, if inflicted, ought not to be carried out in the same way as it was in the case of ordinary prisoners. The right hon. Gentleman had admitted that soldiers sentenced to imprisonment had a difference made in their favour, and those sentenced to penal servitude ought to have a similar difference made.

Amendment, by leave, *withdrawn*.

MR. PARNELL moved, in page 70, line 12, before the word “visitors,” to insert “and for independent inspection by.” This question of independent inspection by Visitors was one of the most important which they had yet reached with regard to military punishment. The Prisons Act of 1855 provided that all the prisons throughout England should be subject to the local authorities. These authorities were the local magistrates sitting in Quarter Sessions, and they were empowered to appoint Visiting

Committees, who went to the prisons for the purpose of inquiring into all complaints of prisoners, and so forth. In addition to that, the local authorities had power to make rules with regard to the management of these prisons, and as to the discipline, treatment, and nature of the labour of the prisoners. These rules, and any subsequent alteration in them, had to be submitted for the approval of the Home Secretary. The prison authority, in addition, was entitled to appoint all the warders, gaolers, and prison officials, and under that Act it secured that the powers conferred were of a very extensive character; in fact, the authorities were supreme in regard to the management of the prisons, the Home Secretary having only a general sort of veto to their proceedings in case it was necessary to exercise such veto, and such veto was rarely exercised. Now, the Prisons Act of 1877 entirely changed all this; and it transferred the prisons of England, Ireland, and Scotland over to the Home Secretary. That Act limited very materially—almost, in fact, entirely did away with—the powers of the Visiting Committees of the Justices, and it left to the Board of Quarter Sessions only the power to appoint a certain number as a Visiting Committee. This power, which was left to them, simply amounted to no power at all. They had power to visit the prisons periodically, and examine into the condition of the prisoners, and the quality of the food. They might hear any complaints which were made, and put them into a complaint-book, and report anything they thought fit to the Home Secretary. They, however, had no original power whatever; all they could do was to bring these matters before the Home Secretary. In certain cases they still retained power to inflict corporal punishment. That was, in fact, all they could now do. Now, they were asked, in this clause, to give power to the Secretary of State and the Governor General of India to make, alter, and repeal rules for the inspection and management of military prisons; and what he wanted was to secure that there should be an independent inspection of these prisons by Visitors not under the control of the Government. He very much feared that many of the prisons in India, more particularly owing to the nature of the case, would receive no inspection what-

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ever. The inspection retained in the Act of 1877 for England, Scotland, and Ireland, was very slight indeed; and he would show how slight and imperfect it was by the testimony of one of the gentlemen themselves. In India they did not know that that slight and imperfect inspection existed at all. He, therefore, desired an assurance from the right hon. Gentleman that there would at least be the same independent inspection by Visitors in India that there was in this country. No doubt, there was a difficulty; but it was one with which the Government ought to grapple and deal. It was clear they could not give up all the safeguards, and go without any security whatever for independent inspection. The word "inspection" was put into the Act; but there was a great deal of difference between an independent inspection and an Inspector. An Inspector was a man covered with officialism. He had said that the inspection in England was not what it ought to be; and in proof of that he would refer to the evidence given at the Coroner's inquest lately held in the case of John Nolan. Sir William Henry Wyatt, Chairman of the Visiting Justices Committee, who visited the prison at Clerkenwell where Nolan died, said, in his evidence—

THE CHAIRMAN: I would point out to the hon. Member that his Motion is one which is for an independent inspection in the case of military prisons. I have not hitherto thought it my duty to stop him in his somewhat discursive remarks; but I must now remind him that, in proposing to discuss the practice in civil prisons, he can only use what he proposes to read as an illustration of of his argument.

MR. PARNELL quite agreed with the ruling, and would keep himself within the proper bounds. His argument was this. He wished to show, first of all, that the inspection in the English prisons was very imperfect, and of a slight character—in fact, not nearly sufficient; and he wished to base on that an argument that they ought to secure for India as good an inspection as they had in England. He would now refer to the evidence of Sir William Henry Wyatt.

MR. ASSHETON CROSS: I may say the statements of Sir William Henry Wyatt are quite incorrect, as will be

found at the end of the evidence. He gives quite an incorrect statement as to the powers of the Justices.

MR. PARNELL was aware there was a difference of opinion between the Visiting Justices and the right hon. Gentleman as to the power of the Justices; but Sir William Henry Wyatt, in his evidence, said the existing rules were no protection at all. He did not go with him quite to that length, because he thought they were some little protection.

THE CHAIRMAN: I beg to point out that the hon. Member, in going into this detail, and in making the references he has, and is about to make, is necessarily opening a very large discussion which must naturally be forced beyond the clause before the Committee. His statements may contain allegations which will probably have to be met; and I have already pointed out he is only justified in alluding to these matters in a cursory manner, and by way of illustration.

MR. PARNELL replied, that he had only given an illustration of his Amendment. What he wanted was an independent inspection; and he had no objection to that inspection being made even more independent than an inspection by Visiting Justices. He was rather uncertain as to the extent of the Chairman's ruling, and whether he was not to finish reading the paragraph?

THE CHAIRMAN said, as he had pointed out, the hon. Member should confine himself to illustrating the particular Question before the Committee; and it was for the hon. Member to consider how far he was within the limits of that ruling in continuing to quote passages from the Report. He had not stated that the reading of that Report was out of Order; but that these lengthy illustrations were very inconvenient.

MR. PARNELL was sorry if he had caused inconvenience; but he was afraid he was very often obliged to do so. The witness went on to say—"In my opinion, all the power is in the hands of the governor and surgeon;" and lower down in his evidence he said—

"The officers used to give us a hint if anything was wrong. They do not tell us anything now. I do not believe the Home Secretary would protect them if they did so, and they would most likely lose their situations."

That showed the general tendency of the change which the Prisons Act of 1877 made in the question of inspection. He did not go so far as Sir William Henry Wyatt went, in saying the Visiting Justices were now utterly powerless; nor did he go to the extent the Home Secretary went, when he said they had a great deal of power. The fact was that their power had been enormously shaken, and there was very little left for them to do; they were entirely under the control of the Home Secretary, and were bound hand and foot. They had the power of hearing complaints and reporting abuses; but they had no power of preventing an abuse which was going on before their very eyes. They were required to do such acts, and perform such duties in relation to a prison, as they might be required to do by the Secretary of State; but, up to the present moment, the Secretary of State had not required them to do anything, and was not likely to do so. He should be very glad if the result of this discussion was to lead the Home Secretary to make more use of the Visiting Justices, and to give them more power; and, at any rate, that some independent inspection of prisons would be provided. He moved to insert, in line 11, the words of his Amendment, "and for independent inspection by."

COLONEL STANLEY wished to point out that if the words were understood in their ordinary sense they would be mere surplusage; and if they were not to be understood in that way, but as meaning inspection by a certain class of persons, they would be most objectionable, because if they were to take persons unconnected with the administration of justice in the country, and unconnected with military affairs, they would exclude precisely the two classes of persons who were most competent to see whether prisoners were well treated or not. If the hon. Member meant independent inspection under the clause, it was perfectly open for anybody to be appointed, as far as the clause went; and, therefore, the Amendment was either objectionable or not needed.

MR. MUNTZ quite agreed with the hon. Member for Meath (Mr. Parnell) that the visitation of prisons by the visiting magistrates had become an absolute farce. The Commissioners were not only omnipotent, but they

almost sneered at any suggestion of the visiting magistrates. However, the Prisons Act was now the law of the land, and the House was not prepared to alter it; and, moreover, he did not see any sense in making any difference between the military prisons and the ordinary goals. If they were to touch this clause, they must take up the whole prisons question; and he thought they must give the new law a fair trial. He still felt that the Act was a fatal mistake, and would lead to a great deal of mischief; but he could not vote for the Amendment.

Mr. O'SHAUGHNESSY thought there was a general consensus of opinion that the inspection by the Visitors at present was in an unsatisfactory state; but the remedy might be found, not so much in an addition to the clause, as by an altered tone on the part of the Home Secretary. With whatever safeguards the position of the Visiting Justices might be surrounded, the thing would really depend on the Home Secretary. He hoped the right hon. Gentleman would undertake to consider the matter.

Mr. O'DONNELL believed it the duty of the Committee to take advantage of every opportunity of introducing a reform. The only thing that could make official inspection useful was the provision of unofficial visitation also. In nine cases out of ten the coming of the Inspectors was known beforehand, and preparations were made for their reception. He could not understand the objection to independent inspection. The Government could take care that the unofficial Inspectors were selected from a certain class of the community, and were of a certain social position; but within that limitation care should be taken to have a thorough visitation of all public institutions by persons unconnected with the Government. To him it was a marvellous thing that so large and influential a body as the Visiting Justices should put up with such a snub as they had received. He had received several letters on the subject of prison inspection. There was a tendency amongst all officials to stick up for one another, and to yield to the silent pressure of "the Service." He had listened with the utmost surprise to the hon. Member (Mr. Muntz), whose argument was one

of the most singular he had ever heard from the mouth of an independent Liberal. It amounted to this—that, because an admittedly bad Bill had been passed, therefore he would not amend another Bill which dealt with a portion of the same subject. He hoped the hon. Member would not maintain that position, and thus encourage the Government in ignoring the complaints which were raised of the working of the Prisons Act.

Mr. O'CONNOR POWER hoped the hon. Member for Meath would press his Amendment, which was one of vital importance, and would attract public attention to a crying blot in the present system. It would tend to attract public attention to the steady over-centralization of all our institutions; and if this kind of thing went on, instead of having to deal with English officials of the old school, they would be having a set of French prefects introduced into the country, and capable of treating as crimes any reflections upon their manner of doing business. He was not without hope that the hon. Member (Mr. Muntz) would follow his hon. Friend the Member for Meath (Mr. Parnell) into the Lobby, and he would press his hon. Friend to go to a Division.

Mr. RYLANDS felt bound to say why he could not support the Amendment, because he sympathized very much with the objects the hon. Member for Meath had in view, and felt, as he did, that a very suspicious step was taken by the Government in withdrawing the prisons from independent inspection. But, looking to the proposal of the hon. Member, he asked, where was he to get these independent Inspectors from? They were to be nominated and controlled by the Home Secretary, and to take their orders from him; and did the hon. Member suppose that any country magistrate, or local man of independent character, would submit to the indignity of being bound hand-and-foot in that way? That would be no independent inspection. If they wanted independent inspection, they must intrust it to some local authority; and this Conservative Government had struck away a great Conservative element in that direction. It would be quite impossible to make up for that fatal mistake by such an Amendment as this; and, therefore, while giving the hon. Member for Meath every credit for

Mr. Muntz

the object he had in view, he should feel bound to vote against the proposal.

MR. SULLIVAN had been rather struck by an objection in the direction suggested by the hon. Member for Burnley (Mr. Rylands); but he wished to point out to the hon. Member that it would be quite impossible to propose an Amendment which would obviate that difficulty. Their object ought to be to secure independent inspection by the Visiting Justices of the district; and he would suggest to insert in the clause the words "and for facilities for independent inspection by the Visiting Justices of the district." It was one thing to give reasonable facilities for independent inspection; and it was another thing for the Home Secretary to pick out creatures of his own choice, and to say they should be the Inspectors. Therefore, he suggested the withdrawal of the hon. Member's (Mr. Parnell's) Amendment in favour of the words he had suggested. He appealed to the hon. Member (Mr. Muntz), whose exertions on the Prisons Bill he well recollected, to remember that "the time to hit a blot is whenever and wherever you see it;" and that if they allowed this Bill to still further extend the faults which at that time the hon. Member so manfully resisted they would fail in their duty. An earnest effort should be made to preserve and increase the shred of authority remaining to the Visiting Justices. The tendency of prison officialism upon the human mind was to lead to severity, and often, unconsciously, to cruelty. He asked the Committee to recollect that when the President of the Dublin College of Physicians attempted to resist the irregularities of prison rule he was sent about his business. Prison officials did not want independent inspection; but no one could tell where the present system would lead, if the wholesome influence of the independent element was to be altogether excluded. He hoped his hon. Friend would adhere to his endeavour to restore the civilizing and humanizing influence of the power of the Visiting Justices.

MR. MUNTZ said, the hon. and learned Member was either mistaken, or he (Mr. Muntz) was mistaken, as to the law of the land. When the Prisons Bill was before the House the power was taken away from the Visiting Justices. It was hardly for that side of the House

to find fault with the Prisons Bill, which was an ultra-Radical measure, and a bad one, too. He regretted that Act was ever passed. But it was now the law of the land. They had passed an Act establishing military prisons; and he would ask, were they to pass an Act in 1877, and, before two years had elapsed, try to alter it in an indirect manner of this sort? That was his objection to this clause.

MR. BIGGAR could not agree with the hon. Member for Birmingham (Mr. Muntz); because the fact that a bad law had only been passed in 1877 was no reason why they should continue that law in force a moment longer than could be helped. On the contrary, he thought they should try to improve it as soon as possible. He would suggest that, instead of the Visiting Justices having the authority, local representative bodies of districts in which gaols were situate should have the power. If a gaol was situate in a borough, then the Town Council should have the power; and if the gaol was in the country, the Poor Law Guardians should have the power of visiting these prisons, and report to the public outside if they saw anything amiss. The Visiting Justices had sold their birthright for a mess of pottage, in the shape of a reduction of local taxation. They had lost their authority with a reduction of taxation, and now they felt so sore on the point that inspection was a farce. If a new class of Visitors, consisting of men of not so high a position, but greater energy, and as much intelligence as the existing Justices, was selected to visit the prisons and report to the public outside, he thought there would be an enormous advantage. The representative bodies to which he had referred—Town Councils and Poor Law Guardians—were, more or less, under the control of local public opinion. They wished to stand well before the public who selected them; and, therefore, they were naturally disposed to show industry and intelligent energy by going into and inspecting these prisons. He could not, for the life of him, understand what possible objection there could be to this suggestion. Seeing that the present system did not answer, that under it the Visiting Justices did not visit, he really could not admit that the Amendment of the hon. and learned Member for Louth (Mr. Sullivan) filled

all the conditions required. But the idea was rather better than the existing state of things; and in the absence of any better Amendment he was disposed to support it.

MR. PARNELL adopted the suggestion of the hon. and learned Member for Louth, and asked permission to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. PARNELL: I propose to insert after "thereof," in page 70, line 12—

"And for securing facilities for efficacious inspection of such prisons by visiting justices of the district in the United Kingdom, and by persons occupying an analogous position elsewhere."

Amendment proposed,

In page 70, line 12, after the word "thereof," to insert the words "and for securing facilities for efficacious inspection of such prisons by visiting justices of the district in the United Kingdom, and by persons occupying an analogous position elsewhere."—(*Mr. Parnell*.)

Question proposed, "That those words be there inserted."

SIR GEORGE BOWYER said, his hon. Friend had fallen into an inaccuracy in using the words "visiting justices of the district." There were no visiting magistrates of the district. The Court of Quarter Sessions appointed visiting magistrates for a particular prison. He thought it would be difficult to define what an "analogous" person was. As to the remarks made about the Prisons Act, he must say he thought it one of the grossest blunders ever committed by any Government. He hoped the hon. Member would re-consider his Amendment, and make it more practical and useful.

MR. PARNELL was ready to accept the suggestion. It would only involve the alteration of a word; and he would also propose to leave out the words "analogous persons elsewhere," as he did not wish to mix up India with the present Amendment before the Committee. He wished to ask the Government why they objected to the proposal? It was not proposed even to alter the Act of 1877. They merely punctuated a certain portion of that Act, and desired to carry it out in a different way from what it had been carried out. That was a fair thing. He should like to know how the Government provided for inde-

pendent inspection in the Colonies? The Committee was in the dark as to what was to be done in India and the Colonies. It would be necessary to alter several points in the Prisons Act, by several clauses in this Bill, to be proposed further on; and, therefore, the right hon. Gentleman (Mr. Cross) need not be so terrified by this proposal. No doubt the right hon. Gentleman would understand, as they got on, that the clauses would do good. At present, he should like to hear the views of the Government.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member asked why the right hon. Gentleman the Home Secretary, or himself, did not say anything upon this Amendment of his. The fact was, they had the same point brought before them in an Amendment moved some little time ago by the hon. Member, and withdrawn by him at the suggestion of various hon. Gentlemen; and what was to be said on the point was said then. The point now before the Committee was the same, only in somewhat different language, as was previously raised. In the course of the discussion, the Chairman had more than once pointed out to the hon. Member that he was travelling rather beyond—[An hon. MEMBER: No.]—but he said "Yes"—travelling beyond the scope of the Bill, and that it would be inconvenient; if the remarks were to take so wide a range as the hon. Member gave to them. The hon. Member said he was sorry to put the Committee to inconvenience; but he was obliged to do it. The Government did not take that view. They were anxious to spare the Committee inconvenience; and having expressed their views they had not thought it necessary to go into the point over and over again. The discussion ranged all over the whole subject of the Prisons Act of two years ago; and he did not think it was to the advantage of public convenience that they should enter into a discussion of that sort. He was not able to accept the proposal of the hon. Gentleman; and he thought, if the Committee wished to make any progress with this Bill, they ought to come to a decision on a subject which had been fully discussed on all sides.

Question put.

The Committee divided:—Ayes 36; Noes 134: Majority 98.—(Div. List, No. 143.)

Mr. Biggar

MR. PARNELL rose to move an Amendment in line 15 of the clause. Parliament had given power, by the Prisons Act of 1877, to the Visiting Justices, and also to the Commissioners, to inflict with a cat or birch rod, on persons of the age of 18 strokes to the number of 36; and in the case of a person below the age of 18 the same number of strokes with a birch rod. They had just had a very important admission made by the Home Secretary, that there should be a distinct difference between the treatment of prisoners committed for breaches of military discipline, and prisoners convicted of offences against the ordinary law of the land. Now, he had drawn his proposed Amendment, both because he was against the infliction of all corporal punishment, and because he thought that, following out the reasons of the Secretary of State for the Home Department, they were, at least, entitled to have a limitation as regarded prisoners convicted of breaches of discipline as distinct from persons convicted of offences of an immoral and fraudulent character. There were two points to be considered. First of all, he was against all corporal punishment, because he thought if discipline within prisons could not be maintained without it, there must be something radically wrong in the general character of that discipline, and in the general character of the officers who administered it. Secondly, he was against all corporal punishment for the class of prisoners convicted of breaches of military discipline. Therefore, he moved the omission, in line 15, after the words "punishment by," of the words "personal correction."

Amendment proposed, in page 70, line 15, to leave out the words "personal correction."—(*Mr. Parnell.*)

Question put, "That the words 'personal correction' stand part of the Clause."

The Committee *divided*:—Ayes 151; Noes 37: Majority 114.—(*Div. List, No. 144.*)

MR. SULLIVAN had an Amendment to propose, which he believed the Committee would have no difficulty in accepting, inasmuch as they had already accepted, both as to the Army and Navy, a limitation of the number of lashes to 25. He was about to move that "not

exceeding 25 stripes" should be given in military prisons, and anticipated the assent of the Secretary of State for War to this limitation, because it would be certainly anomalous if, having made the sweeping reduction from 50 to 25 lashes in the Army and Navy, they were, in the secrecy of a prison, to allow a larger number to be inflicted. Therefore, he begged to move the insertion, after the words "personal correction," of the words "not exceeding 25 stripes."

SIR WILLIAM HARCOURT said, the hon. and learned Member for Louth (Mr. Sullivan) appeared to assume that personal correction meant flogging; but he (Sir William Harcourt) did not take the same view. It might, of course, include flogging; but it might also mean a good many other things. He imagined that personal correction would include shot-drill, and other forms of punishment to be found in prison discipline. It was well known that there were many forms of personal punishment, and, undoubtedly, flogging was one resorted to in the case of violent and refractory persons; but he apprehended it would not be inflicted, either on soldiers or anybody else without cause; and in the cases he had mentioned it was absolutely necessary. He did not think the Amendment could be supported, except on the supposition that personal correction was necessarily flogging.

MAJOR NOLAN suggested that the Amendment should read, "not exceeding, in case of corporal punishment, 25 stripes or less."

MR. O'DONNELL thought the difficulty would be more thoroughly removed by inserting the words "except corporal punishment," after the words "personal correction." That would leave to the Secretary of State for War, for the time being, to provide, by anticipation, for any amount of personal correction, with the exception of corporal punishment.

MR. SULLIVAN asked leave to amend his proposed Amendment, by adding the words "in case of corporal punishment."

Amendment made.

MR. ASSHETON CROSS could not accept the Amendment; but if the hon. and learned Member for Louth was willing to withdraw the Amendment he would move some words in substitution. He was prepared to accept the word "lashes" instead of "stripes."

MR. HOPWOOD said, he was desirous that the country should be made aware that this figment of hypocrisy and legislative falsehood of inserting a number of lashes, where nine times the number was meant, was to be continued. He besought the Committee to remember that the principle which had been laid down that evening—namely, that it was necessary to torture turbulent, noisy, and violent prisoners with corporal punishment, was utterly unfounded in fact. The practice of the prisons of Europe and America was against us. It was a contradiction in terms to say that corporal punishment was necessary in prisons.

MR. RYLANDS wished to ask the Home Secretary whether the cat-o'-nine tails which was used in prisons was the military or prison cat?

MR. ASSHETON CROSS believed that it was the Admiralty cat.

MR. CALLAN had found, after three days' inquiry, that there was no such thing as a sealed cat at the Admiralty, notwithstanding that the Secretary of State had said there was. However, after two days, he got a cat from the stores, and an official also telegraphed to Portsmouth for the cat used on board the *Duke of Wellington*. He had taken the measurements of both these cats, and found that, in length of handle, weight of handle, length of lash, and weight of lash, one was twice as great as the other. He tried them on the carpet of the room at the Admiralty, and the effect of the large instrument was ten times that of the smaller. The only sealed cat at the Admiralty was a "marine cat;" a different thing altogether. It was about 18 inches long, made of thick whipcord, and each lash had nine knots, and there were nine lashes. This cat would, if used with the lash downwards, inevitably make 81 holes in the back of the man upon whom it was used. However, it was explained by the official that it was used by drummer boys, who could not wield it so heavily as a man could the Admiralty cat. He felt sure that the sight of these cats would fill hon. Members with horror and disgust. He had himself entertained different views with regard to them; but from the time when he had seen them with his own eyes he had determined to vote against corporal punishment in every Division which might

take place in the House. Therefore, he considered that the Government were bound to afford an inspection of the cat in order to allow hon. Members to see for themselves what they were asked to vote for.

MR. EVELYN ASHLEY asked the Secretary of State for War, whether it was true, as he was informed, that the instrument of punishment used in Her Majesty's Royal Horse Guards Blue at the time when flogging existed in that regiment was a single thong, and not the cat-o'-nine tails. If this were so, it would have some bearing on the Amendment before the Committee.

MR. BIGGAR did not understand what the Government could want more than the 25 stripes named in the Amendment. The unfortunate prisoners were already quite at the mercy of the prison officials, who had a system of feeding them on bread and water, taking away their clothes, and tying their hands behind their backs in a way that prevented them from eating their meals. In his opinion, the acceptance of the Amendment would save an enormous deal of time. The allegation of the Government, that the time of the House was wasted by hon. Members who opposed the Bill, was entirely unfounded.

MR. MACDONALD felt that an opportunity should be afforded to hon. Members of seeing these cats, and, therefore, begged to move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Macdonald.)

MR. PARNELL thought the Government had not treated the Committee fairly with regard to this matter. It must be remembered that the question was not one of yesterday. It was three years since the subject had been brought before the House, and the then First Lord of the Admiralty (Mr. Ward Hunt) had promised that a sealed pattern of the Naval cat should be deposited at the Admiralty, and that all the cats used throughout the Service should be of the same pattern.

MR. W. H. SMITH said, that had been done.

MR. PARNELL inquired when it was done?

Mr. W. H. SMITH: When the engagement was made.

Mr. PARNELL asked, if that was so, how came it that the cat used on board the *Duke of Wellington*, the Marine cat, and the cat deposited at the Admiralty, were all of different descriptions?

Mr. W. H. SMITH said, there was no Marine cat.

Mr. PARNELL said, that the statement of the hon. Member for Dundalk (Mr. Callan), and the statement of the right hon. Gentleman the First Lord of the Admiralty, were inconsistent with each other; and the Committee would desire to know, before it proceeded with this Bill, which of them had spoken the truth? He had no hesitation in saying that if the statement of the hon. Member for Dundalk was true, all the exertions that they could make against this clause would be made, until they were assured that a humane cat, and not a cat which was an instrument of torture, would be used. [*A laugh.*] When they considered what an important matter this question was, he was astonished that a Gentleman in the position of the First Lord of the Admiralty should laugh when it was spoken of. They knew something about flogging in Ireland; and, unfortunately, they knew something about imprisonment, too. Knowing these things, it was important for them to give to the Committee of the House of Commons the information which they possessed upon this question. He recollected a tale, which was told him by an old man 25 years ago, with regard to military flogging. He had never forgotten that terrible story. It was with reference to a man who was treated to the punishment which was now being recommended to that House by the hon. and gallant Gentleman the Member for Brighton (General Shute)—it was flogging at the cart's tail. This incident occurred within a short distance of the place where he lived, in County Wicklow; it was true the victim was not a soldier—he was merely an ignorant peasant. He was flogged under martial law at the cart's tail, in the manner recommended by the hon. and gallant Member for Brighton, until his entrails fell out upon the road. He well recollected the expression upon the face of the man who was an eye-witness of the scene, and repeated the story to him. He wished he could re-produce his ex-

pression before the Committee. Colonel Leo was the name of the gentleman who superintended the agonies of the poor sufferer. Finding that he was being treated in this manner, the poor victim cried out—"Colonel Leo, do you allow your men to flog my guts out?" The flogging was continued, notwithstanding that exclamation; and the flogging was continued as the lifeless body of the victim was dragged along the road at the cart's tail. Of course, by the provisions that had been introduced from time to time, it was no longer possible to give a man 1,000 lashes, nor was it any longer possible to flog a man from that as was done on that occasion. This flogging was an evil thing, and had been used at all times by tyrants for purposes of their own; and so long as it remained it would continue to be used in an unlawful and cruel manner. He did hope that the Committee, that hon. Members, would not treat this subject in the light manner that they had. He hoped that the Amendment of the hon. and learned Member for Louth (Mr. Sullivan) would be agreed to, and that the Government would inform them what was the pattern of the cat which was used, and whether they had a more severe cat for the Navy than for the Army; or whether they had a more severe cat in the prison than for either. It was well known that naval flogging was more severe than Army flogging; it was well known that 50 lashes in the Army were equal to 10 in the Navy, and that prison flogging was twice as bad as Navy flogging. They wished to have a regular rule in this matter; and the only way in which they could impress their views upon hon. Gentlemen on the other side of the House was by continually bringing the matter before their notice. Did the right hon. Gentleman know that there were nine tails to the cat? He believed that he did not know that; for he would feel little confidence in any Minister if such a thing should be deliberately sanctioned, or in any Government which possessed such a Minister. If the right hon. Gentleman the First Lord of the Admiralty did not know the nature of this cat, why did he not take the trouble to inform himself—would the right hon. Gentleman take the trouble, also, to inform himself of the pattern of the present cat, and would the right hon. and

gallant Gentleman the Secretary of State for War also find out what sort of cat was used in the Army? They had been told that there was a sealed pattern; but they had not been able to see it. The Committee ought to know what sort of cats were used, and how many knots they had, and whether they were instruments of punishment, or instruments of torture.

MR. W. H. SMITH said, that the hon. Gentleman the Member for Meath had appealed to him very strongly with reference to the observations that had fallen from the hon. Member for Dundalk (Mr. Callan). He would again repeat that there was no distinction between the cat for the Marines and the Navy cat; and in saying that he was speaking what he knew to be the truth. The subject was a painful and a disagreeable one to speak about; it was distasteful, in the highest degree, to them to have to inflict punishment of this character. He wished it to be distinctly understood that, in consequence of the allegations that had been made, there was no separate cat for the Marines—and he was stating what was universally known to hon. Gentlemen connected with either Service. There was a sealed pattern of cat for the Navy; it was sealed under an engagement entered into by his Predecessor in Office (Mr. Ward Hunt); but he had not had that cat before him, nor did he think that it was any part of his duty to be constantly inspecting an instrument of that kind. He might say, however, that he knew, as a matter of fact, that it was in the custody of the proper officers, and was the pattern which was used in the Navy, and, when occasion arose, in the Marines. He was happy to tell the Committee that the occasions for its use were extremely rare.

MR. CALLAN observed, that the right hon. Gentleman had stated that there was a sealed pattern of cat for the Navy. The best way he could meet that statement was by telling the Committee what he had himself seen; and he would repeat again exactly what happened, and give a flat contradiction *in toto* to what the right hon. Gentleman had stated. He had no strong opinion on this question; but on last Tuesday week he went to the Admiralty for the purpose of inspecting these cats, and sent in his card to the First Lord.

Mr. Parnell

He received him most courteously, but said—"I know nothing about the cat; no doubt, it is in the custody of the First Seagoing Lord; I will make arrangements with him for you to see it." The First Sea Lord was then at Liverpool; but he came back on Thursday, and he (Mr. Callan) again called at the Admiralty, and sent in his card to the First Seagoing Lord. On informing that gentleman of his errand, he said that it was the first time that he had ever heard of the cat. The Secretary of the First Seagoing Lord was sent for, and he said he did know something about the cat. A search was instituted, but no sea cat was found. It was suggested, however, by the Secretary that there was a Marine cat, which was kept in New Street. On Friday he called again at the Admiralty, when the First Seagoing Lord was in attendance at some Committee, and the Private Secretary showed him the cats. But there was no Navy cat at all. The Marine cat was a very beautiful cat, of about 9 or 12 inches in length in the handle; the plait was divided into nine tails, and was about 12 inches in length. At the end of the tails there were nine knots. They were unable, however, to find any cat for the Navy. He challenged the right hon. Gentleman to produce any sealed pattern of the sea cat. There was a cat in the stores in 1877; the Marine cat was sealed and signed by Mr. Gordon; but the Admiralty cat was not sealed, and had only a piece of paper round it, and was covered with green baize. What was the use of the sealed pattern of cat, unless it was as a sample for other cats? The First Naval Lord telegraphed for the sea cat used on board the *Duke of Wellington*, and that was shown to him; it was one-half heavier and much larger than the cat which he was told was the Navy cat. He maintained that the First Lord of the Admiralty was bound, in honour, to produce the sea cat, the Marine cat, and the *Duke of Wellington* cat; and he maintained, further, that the cat which he had himself seen at the Admiralty was a fraud. Therefore, he would ask the hon. Member who had moved to report Progress to persist in his Motion, and to go to a Division repeatedly, unless they had an assurance that the First Lord would have the common decency to produce these cats. If the right hon.

Gentleman challenged the veracity of any hon. Member of that House, he was, in common decency, bound to produce them. It would be a dishonourable act ["Order, order!"]

THE CHAIRMAN: I must point out to the hon. Member that it is not a Parliamentary expression to impute to any other hon. Member a dishonourable act.

MR. CALLAN: I did not say it will be a dishonourable act; but I say it would be a dishonourable act. I say it would be a dishonourable act on his part, if a right hon. Gentleman in his position challenges the veracity of an hon. Member of this House, and said, before he challenged him, that he had personal knowledge upon the matter—I say it would be a dishonourable act, if he did not give facilities to hon. Members to judge between his statement and mine.

MR. JACOB BRIGHT said, that the subject of their discussion was flogging in military prisons. He was quite sure that no hon. Members in that House—that no Party in that House—desired to flog in military prisons, unless some good case was made out for it. If it could be shown to be absolutely necessary, some hon. Members, and some Members on the Government Benches, would rise and show what that necessity was. He would undertake to say that no one could make out a case for it; and if anyone could it would be the hon. and learned Member for Oxford (Sir William Harcourt). The hon. and learned Gentleman had endeavoured to make out a case; but he never heard a more utter failure. He said that they could not deal with a refractory prisoner unless they could flog him. But the hon. and learned Member for Stockport (Mr. Hopwood) affirmed that this was the only country in the world where flogging existed in prisons. The argument for flogging soldiers in the field had some force, for they were told that they could not employ other punishments in those circumstances sufficient to keep men in order. But that was not true of a military prisoner; they had that man completely in their power, inclosed within four walls. He could be starved, or he could be kept in solitary confinement—could be punished in many ways. When they were asked to continue the use of this disgraceful and degrading punishment in military prisons, it was only fair that some hon. Gentleman should rise

and show the Committee how the necessity arose.

MR. E. J. REED said, he thought some hon. Members had fallen into an error as to what had been stated by the hon. and learned Member for Louth (Mr. Sullivan) in moving his Amendment. Speaking from his own recollection of what had occurred, his impression was that the hon. and learned Gentleman's object was to bring the present clause into harmony with one which had been previously passed, and to provide that in military prisons no more severe punishment should be inflicted than the soldier would be liable to if convicted of an offence for which he might be subjected to corporal punishment while serving in the field. The Government, if he was not mistaken, had expressed their readiness to accept the Amendment of the hon. and learned Gentleman if the word "lashes" were substituted in it for the word "stripes." That being so, he saw no necessity for wasting the time of the Committee by prolonging the discussion on a point on which they were, practically, all agreed. ["No, no!"] He would appeal to any hon. Member who had heard what had fallen from the right hon. Gentleman the Secretary of State for the Home Department to say whether he (Mr. E. J. Reed) was not right in the interpretation which he put on what had taken place? The desire of the Committee, so far as he was able to judge, was to bring the clause into accordance with an analogous clause to which the Committee had already agreed; and they were, he believed, all practically of one mind on the question. ["No!"] That, at all events, was his impression from what had taken place; and he would appeal to the Chairman to say whether it was not open to any hon. Member to move that the word "lashes" should be substituted for "stripes" in the Amendment proposed by the hon. and learned Member for Louth? If so, he should be willing to make such a Motion.

THE CHAIRMAN pointed out that the Question before the Committee was the Motion of the hon. Member for Stafford (Mr. Macdonald) to report Progress. That Motion must be disposed of before another could be moved. When it had been disposed of, it would be open to any hon. Member to move to

amend the Amendment proposed by the hon. and learned Member for Louth.

MR. SULLIVAN said, the hon. Gentleman the Member for Pembroke (Mr. E. J. Reed) seemed to have misunderstood the position which he had taken up in moving his Amendment; and the argument which he had used was, perhaps, calculated to leave an erroneous impression on the mind of an hon. Gentleman who had not been present at previous discussions on the subject. He had referred to the fact that the Government had already accepted the principle that the number of lashes should be reduced from 50 to 25; but he had in no way retreated from the ground which he had always taken up—that no proof had been given for the necessity of inflicting corporal punishment at all. Entertaining the opinions which he did on the subject, he could not conscientiously move an Amendment which would sanction the infliction of the lash; but he had, at the same time, stated that if the right hon. Gentleman the Secretary of State for the Home Department, or any other hon. Member, would move that the word “lashes” should be substituted for “stripes,” he should not object. He would vote against such a proposal if it were carried to a Division; but he had not the remotest wish to prolong the discussion upon it.

MR. ASSHETON CROSS thought the difficulty might be met by the substitution of the word “lashes” for “stripes.”

MR. BIGGAR could not help thinking that the Committee was getting into a state of great confusion. The right hon. Gentleman who had just sat down, for instance, did not seem to be in the slightest degree aware what the question was which was before the Committee. He might, however, inform the right hon. Gentleman that it was a Motion to report Progress, which had been made by the hon. Member for Stafford (Mr. Macdonald) in order to afford the Government an opportunity of producing, for the inspection of hon. Members, the various sorts of cats which were used in the different Departments of the Public Service. There was a great deal of contradictory evidence as to the cats which were in use at the Admiralty. There was no direct evidence as to the nature of the cat

which was employed in the Army or in our prisons; and, as he understood the matter, the hon. Member for Stafford (Mr. Macdonald) desired that the House should have an opportunity of seeing those instruments of torture before the Committee on the Bill was again resumed. The subject was a very important one, and the evidence, as he had said, was perfectly contradictory. The system of flogging had not that evening been defended by the Government, or by any hon. Member sitting on the Government side of the House. Its defence had been left to an hon. and learned Member, and to another hon. Member who sat above the Gangway on the so-called Liberal side of the House. But with all respect to hon. and dishonourable Gentlemen—

THE CHAIRMAN: I must call on the hon. Member to retract an expression which he must know is entirely out of Order.

MR. BIGGAR said, he wished to explain—

THE CHAIRMAN: The hon. Member has been called upon by the Chair to retract an expression which, as applied to Members of this House, is entirely contrary to Order. I must, in the first place, call upon him to withdraw that expression. Any explanation which he may have to offer he can make after.

MR. BIGGAR, who rose amid cries of “Withdraw!” said, that if hon. Members opposite would allow him, he would tell the Committee what it was he had said. He did not refer to Members of that House when he used the word “dishonourable.” He used the word “honourable” as having reference to Members of the House; but in using the word “dishonourable,” he had no intention of applying it to them. He never alluded to Members of the House in any other terms than as “hon. Members.”

THE CHAIRMAN: Am I to understand the hon. Member as disclaiming having used the word “dishonourable” as applied to any Member of this House?

MR. BIGGAR: Certainly; and he might add that if hon. Members opposite would get up and defend the action of the Government in flogging our soldiers and sailors instead of interrupting other hon. Members in the middle of their sentences they would do better. The fact was,

hon. Members opposite seemed to be ashamed of the position in which they had placed themselves.

MR. BARING rose to Order. The hon. Member for Cavan had used the words "honourable or dishonourable Members."

MAJOR NOLAN said, the hon. Member for Cavan had used only the words "honourable or dishonourable," and had stopped there. He had not spoken of Members of that House as "dishonourable."

MR. O'DONNELL wished to know whether, after the ruling of the Chairman, who had decided the whole point at issue in favour of the hon. Member for Cavan, it was open to the hon. Gentleman opposite (Mr. Baring) inferentially to impute falsehood to the hon. Member?

THE CHAIRMAN: The hon. Member for Dungarvan has not accurately stated the matter when he says that I have ruled any point in reference to this matter. I endeavoured to obtain from the hon. Member for Cavan an express withdrawal of an expression which, as I understood, he had applied to Members of this House. I understood the hon. Member for Cavan expressly to withdraw that expression. [MR. BIGGAR: Disclaim.] To disclaim, then, the use of any such expression as referring to Members of this House. I cannot say that the hon. Member for Essex (Mr. Baring) is out of Order in stating what, in his opinion, were the words used by the hon. Member for Cavan; but I hope I have succeeded in obtaining from the hon. Member for Cavan a disclaimer which may be considered satisfactory to the Committee.

Question put.

The Committee divided:—Ayes 35; Noes 171: Majority 136.—(Div. List, No. 145.)

MR. ASSHETON CROSS said, that the observations which had been made by the hon. and learned Member for Louth (Mr. Sullivan) were perfectly consistent with the position which he had taken up throughout the whole of the discussions on the Bill. He thought, he might add, that the proposal of the hon. and learned Gentleman was a very fair one; and he was, therefore, on the part of the Government, ready to accept the

suggestion which he had made, and which would practically give effect to what he believed to be the wish of a large majority in the country. He begged to move the omission from the Amendment of the word "stripes," in order that the word "lashes" might be substituted for it.

MR. PARNELL said, that if the right hon. Gentleman had made the proposal which he now submitted to the Committee an hour before it would have led to a solution of the difficulty with which the Committee had to deal. But a great many things had happened within that hour. There had been one very painful occurrence. An hon. Member of the House, speaking from his own personal knowledge, and after personal inspection, had told the Committee that there was no sealed pattern of the cat used in the Navy at the Admiralty. The same hon. Member had informed the Committee that the cat on board *The Duke of Wellington* was several times more severe, longer, and thicker, than the cat, which was not sealed, which he saw at the Admiralty. The hon. Member had also stated that the Marine cat, which he saw at the Admiralty, was one with nine tails, with nine knots in each tail. The right hon. Gentleman the First Lord of the Admiralty then rose and said that there was a sealed cat, or cats, at the Admiralty, but that there was no Marine cat. Now, that statement of the right hon. Gentleman was not made of his own knowledge, for he admitted that he had not seen the cats of which he spoke; while, at the same time, the right hon. Gentleman undertook, on the strength of something which had been told him by someone else, to contradict the accuracy of the statement which had been made by his (Mr. Parnell's) hon. Friend the Member for Dundalk (Mr. Callan). An element had thus been introduced into the discussion which was, in his opinion, of great importance. It was clear, from what had taken place, that the Admiralty officials were in complete ignorance as to the pattern of the cat which was used in the Navy. The Amendment of the hon. and learned Member for Louth (Mr. Sullivan) was to the effect that "stripes" should be inflicted instead of "lashes;" and it would be seen that that was a proposal which bore directly on the nature of the instrument to be employed. The Com-

mittee were, therefore, he contended, entitled, before they proceeded any further with the Bill, to know whether the statement of his hon. Friend the Member for Dundalk or that of the First Lord of the Admiralty was the correct version of the actual state of things with reference to those cats. In the absence of that knowledge, the Committee would be voting blindly, and in the dark, on the Amendment of the hon. and learned Member for Louth. The statement which had been made by the First Lord of the Admiralty had, he must confess, taken him altogether by surprise. He had also been taken by surprise by the statement of his hon. Friend the Member for Dundalk. He had no idea that there was a cat at the Admiralty with nine knots and nine tails. Before the Committee went any further they ought to know the truth about the matter. They ought to know what punishment it was to the infliction of which they were assenting—whether it was one of a severe and unmerciful description; or whether, on the other hand, the instrument with which it was to be inflicted would render it as little of a torture, and as little cruel, as he maintained it ought to be. In order that an opportunity might be afforded for clearing up the matter, he should move that the Chairman leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Parnell.*)

MR. SULLIVAN thought that the Government ought to move that the Chairman do leave the Chair; for they could not, in justice to the character of the House and of the Government, let that painful matter rest where it was. He felt very strongly that it would not be right to agree to any such course of procedure. If the right hon. Gentleman the First Lord of the Admiralty would state of his own knowledge as to the real circumstances of the case, they would take his word as to any matter within his own purview with the greatest pleasure. He would put it to the right hon. Gentleman the First Lord of the Admiralty, whether it would not be desirable to have an opportunity of clearing up this mystery now before the Committee? It should not be allowed to rest where it was. He should cer-

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tainly vote for the Motion that the Chairman do now leave the Chair.

MR. W. H. SMITH wished to point out that what they were discussing was, after all, a side issue. Let them look, for one moment, at the simple facts of the case. It was perfectly true that there was an Admiralty cat; but he was very glad to say that it was most rarely used in the Navy, and it was many years since corporal punishment had been inflicted in port. It was a very rare occurrence, either as regarded seamen or marines, that it should be necessary to inflict corporal punishment. The Bill which was then under discussion did not affect the Navy at all, and had no bearing on the Admiralty in any sense or form. They would be perfectly prepared to give any hon. Member an opportunity of inspecting the sealed pattern, at the Admiralty, of the Navy cat. He might assure the hon. Member for Dundalk that there was a sealed pattern of the cat for the Navy kept at the Admiralty.

MR. CALLAN remarked, that he had seen a cat at the Admiralty; but it was not a sealed one.

MR. W. H. SMITH did not impute to the hon. Member any want of veracity; but he was sure that he was under some misapprehension. [*Mr. CALLAN rose, but was met by cries of "Order!"*] It was not possible for the hon. Member to be other than under misapprehension upon this subject. Everyone was liable, occasionally, to that. He wished to repeat to the Committee the statement that there was a sealed pattern of cat at the Admiralty; and he would only add that it was rarely used, and had no reference to the question now before the Committee. Any hon. Members who took an interest in this question could have an opportunity of inspecting this sealed pattern if they went to the Admiralty.

MAJOR NOLAN said, that if the right hon. Gentleman the First Lord of the Admiralty thought he had been treated somewhat unfairly, he must point out that that side of the House was not responsible for it.

MR. HOPWOOD thought that they might arrange matters if the view he suggested were adopted. A great deal of hostility was exhibited by hon. Members with reference to flogging, and the nature of these cats had been strongly

commented upon. After what had passed, he thought it was necessary that they should all see what these cats were like. As a good many of the Members did not wish to go to the Admiralty to do so, he would suggest that the Government should agree that these three instruments should be brought to the House, and be deposited either in the Library, or any part of the House which might not be too much dishonoured by their presence, in order that hon. Members might have an opportunity of seeing what the cats were like, and judging for themselves. He was quite sure that if that were done a great deal of unpleasantness would be saved; and the House would be much better able to judge whether it was necessary to retain the punishment of 25 lashes, or abolish flogging altogether. He hoped that the Government would agree to the proposal he had made, for there was no reason for their not doing so. He could understand that hon. and right hon. Gentlemen opposite felt that only the dire necessity of the case should compel them to advocate what they themselves would scarcely look upon or touch. For his part, he entirely sympathized with them in the false position in which they were placed as advocates of this system. But they could get rid of that position. These repeated discussions were doing away with the system; and he did not doubt, in a short time, to see the whole Treasury Bench converted to the opinions held on the Opposition side of the House, while the Opposition remained steadfast in theirs, and the system would be abolished. He would suggest, in the meantime, that if the Government would allow them to see the cats in the House they could proceed to the discussion of this Amendment.

MR. WATKIN WILLIAMS was not at all satisfied with the explanation of the right hon. Gentleman the First Lord of the Admiralty, and he did not feel able to give a satisfactory vote upon the question. He would like to tell the Committee what pressed upon his mind. The hon. Member for Dundalk (Mr. Callan) had asserted, from his own knowledge, that there was no sealed Navy cat at the Admiralty. The First Lord of the Admiralty had begun by assuring the Committee that what he was about to say was from his own personal knowledge. Again, the right hon.

Gentleman repeated that he was speaking from his own personal knowledge that there was no difference between the Marine cat and the cat for the Navy, and further said that there was a sealed pattern of cat for the Navy. If there was any value at all in a sealed cat—if it was not an absolute deception—it was a security that the cats in use should correspond accurately with it. The First Lord of the Admiralty dealt with that, and asserted that his Predecessor had religiously and carefully observed the pledge he had given, and that a sealed pattern of the cat for the whole Navy was kept at the Admiralty. But the right hon. Gentleman had forgotten to answer one point, which struck him as most unfortunate. The hon. Member for Dundalk said that there was no sealed cat for the Navy, or what was called a sealed cat. And, further, he said that the cat which he had been shown as used on board the *Duke of Wellington* did not correspond with the cat—not a sealed cat—which he had been shown at the Admiralty as the Navy pattern. This seemed to him a most serious accusation to bring against the Government; and he did not think that the Committee ought to progress with this Bill while these statements remained as they were. For his part, he had no doubt on which side the truth lay; and he should do his best to assist in preventing the progress of that Bill until they had got to the bottom of this matter. He would not be satisfied until he had seen these cats for himself. It was all very well for the right hon. Gentleman the Home Secretary to say that this matter had nothing to do with what was in this Bill. It had everything to do with it, because it affected their judgment in this matter. What confidence could they have that the cats used would correspond with what they were told were sealed patterns, when the cat used on board the *Duke of Wellington* was asserted to be by the hon. Member for Dundalk directly at variance with that at the Admiralty? He should certainly vote against further progress until these matters were cleared up.

SIR JOHN HAY said, that there had been no flogging in Portsmouth Harbour since 1853—before the Crimean War—and flogging was not now allowed in harbour, either by courts martial or in any other circumstances. The hon.

Gentleman the Member for Dundalk had alluded to the sea cat used on board the *Duke of Wellington*. He had no doubt that the hon. Gentleman saw a cat which he was told was the cat kept on board the *Duke of Wellington*. But it must be a very old cat, and why it was kept there he did not know. He would endeavour to tell the Committee what he did know upon the matter, as he had no wish to express any particular view on the subject. He wished to mention some facts, in order to assist the Committee in arriving at a satisfactory conclusion. He believed that there was a sealed pattern of cat kept at Portsmouth, at Plymouth, and at Chatham, at which places the article was manufactured. So far as he could remember, it consisted of nine tails, and with a handle 18 inches in length. The tails were tied up with a piece of thread at the end, but there were no knots; the Marines were punished with the same cat. Boys were punished by cats with six tails, or with a birch rod, and a very good thing it was for them, if they deserved it. They were flogged precisely as they were at Eton or Harrow. He believed that the late First Lord of the Admiralty promised that patterns of the cat should be kept at Chatham, Portsmouth, and Plymouth; but whether the patterns were sealed or not he did not personally know. He would say, further, that in Portsmouth Harbour, even before 1853, it was extremely rare to flog. He was not an advocate of flogging; but he believed that flogging was a very good punishment for boys before they got to a certain age, as well as for men who were incorrigibly bad. He would mention that while afloat the Marines were punished by exactly the same instruments as seamen of the Navy.

Mr. HERSCHELL thought that it might be possible that there had been on board of the *Duke of Wellington* an old cat which had been sent to the Admiralty and shown to the hon. Member for Dundalk. That was a very likely explanation of what had happened, though it was not clear why this old cat had been kept. He thought that everyone must feel that it was only reasonable an opportunity should be given to the right hon. Gentleman the First Lord of the Admiralty to give the Committee satisfactory information on these points. He thought that the fact was very likely

as he suggested; but, at the same time, care should be taken that these old-fashioned cats should be withdrawn from the Navy, and instruments that were in conformity with the patterns should be substituted for them. He thought that some inquiry and explanation upon these matters was required. What was the third cat of which they had heard? He could not tell, unless it was one formerly used for the Marines. They ought to be told for what purpose that cat had been used, and how it came to be where it was. From the statement made by the hon. Member for Dundalk, it was clear that the Committee was entitled to ask the right hon. Gentleman the First Lord of the Admiralty to make inquiries and explain the points that had been raised.

MR. W. H. SMITH said, that in answer to the appeal of the hon. and learned Member he would state that inquiries should be made on the points mentioned. He would also undertake that no punishment should be inflicted by any other cat than the sealed pattern. He wished to repeat to the Committee that corporal punishment was exceedingly rare.

MR. GRAY remarked, that the explanation given by the right hon. and gallant Admiral (Sir John Hay), seemed to have rendered confusion worse confounded, for he had given them an assurance that a knotted cat was unknown. The hon. Member for Dundalk (Mr. Callan) had told them that within the last three or four days he had inspected the cat at the Admiralty—that used either for the Marines, or for the Navy, which had nine knots on each tail. The Government had given them no information as to the nature and use of the sealed cat, which was said to be for the Marines. They had only been able to elicit the information that the cat was an old pattern, used on board some of Her Majesty's ships. After a great deal of conversation, it was only then that the right hon. and gallant Admiral told them that the cat made in the pattern of the sealed cat should be the only one used in the Navy. Surely it was time now that the Committee should be allowed an opportunity of inspecting these three cats, and knowing what they could with regard to them.

MR. CALLAN remarked, that his statement was that he had seen three

separate cats at the Admiralty. He waited upon the First Seagoing Lord, and, in reply to his inquiries, the noble Lord stated that he knew nothing of any cat. But his Secretary said that he was under the impression that there was a cat in New Street. The next day the cat was shown to him in the room of the First Lord of the Admiralty. The Private Secretary then informed him that the cat which he saw—one with knots, and sealed—was the one used for the Marines. He was also shown a cat, not sealed, to which was attached a piece of paper, saying that it was a pattern cat in store in 1877. The First Seagoing Lord, on the first occasion which he saw him, said he would telegraph to Portsmouth; and, on another occasion on which he (Mr. Callan) was at the Admiralty, a cat from the *Duke of Wellington* was shown to him. The *Duke of Wellington* cat was one-half longer in the tails, and heavier in the handle, than the cat which was said to be the Admiralty pattern. What he had stated was, that attached to the heavy cat which he saw was a piece of paper, on which was written that it was used on board the *Duke of Wellington*. Under these circumstances, he thought that the cat at the Admiralty was a fraud upon the House, and upon the public at large. The cat used on board of the *Duke of Wellington*, in the hands of a strong man, would inflict much more severe punishment than the cat which he was told was the Navy pattern. It was for his own information that he had gone to see these cats, and he was sorry that his veracity had been called in question. That charge must be proved or withdrawn; and he would then state a Notice which he would give for the purpose of placing the House in possession of this question:—

“That, previous to the further consideration of the Army Discipline and Regulation Bill, the specimen of a cat-o'-nine-tails for use in the Navy, now at the Admiralty, the sealed cat-o'-nine-tails for use in the Marine service, also at the Admiralty, and the cat-o'-nine-tails in actual use on board the *Duke of Wellington*, now also at the Admiralty, be deposited in some convenient place in this House, for the inspection of hon. Members.”

THE CHANCELLOR OF THE EXCHEQUER said, that one expression which had fallen from the hon. Member had induced him to take a part in the discussion, in order that there might be no

misunderstanding. The hon. Member alleged that he had made a statement, and that his veracity had been questioned. He thought that no hon. Member ought to be placed in a position in which he could say that his veracity had been questioned, or that any charge had been made against him. He wished to say that he was quite sure, from what had fallen from his right hon. Friend the First Lord of the Admiralty, or from any other hon. Member on that side of the House, that there was no intention of questioning the veracity of the statement of the hon. Member for Dundalk. All that his right hon. Friend the First Lord stated was that he was sure that there must be some misapprehension, and that it was desirable to clear up that misapprehension. For his part, he was quite sure that no hon. Member of that House doubted for a moment the veracity of the hon. Member for Dundalk, or of any other hon. Member. It was obvious that there had been some confusion upon this subject; but his right hon. Friend had promised to make some inquiries with regard to these cats. So far as they could judge from the explanation given by his right hon. and gallant Friend (Sir John Hay), the cat sent from the *Duke of Wellington* seemed to have been one that had been laid up on that vessel for a very considerable time; and, in all probability, was an old implement, never now made use of. That seemed to be the explanation that would be forthcoming. There could, of course, be no meaning in sealing a pattern of a cat if another might be actually in use. No doubt, that would be a gross abuse, and one which he was quite certain no First Lord of the Admiralty would sanction. The point deserved inquiry, and inquiry should be made. As regarded the question of the sealed pattern, his right hon. Friend the First Lord had positively stated that there was a sealed pattern of cat. Further, his right hon. Friend the First Lord had said that there was no Marine cat, for the cat that was used for the Marines was the Navy cat. At all events, his right hon. Friend would inquire into the matter, and would then give some explanation. But he wished it to be distinctly understood that no imputation had been cast upon the veracity of the hon. Member for Dundalk. He did hope that the Committee would now proceed with this clause.

gallant Gentleman the Secretary of State for War also find out what sort of cat was used in the Army? They had been told that there was a sealed pattern; but they had not been able to see it. The Committee ought to know what sort of cats were used, and how many knots they had, and whether they were instruments of punishment, or instruments of torture.

MR. W. H. SMITH said, that the hon. Gentleman the Member for Meath had appealed to him very strongly with reference to the observations that had fallen from the hon. Member for Dundalk (Mr. Callan). He would again repeat that there was no distinction between the cat for the Marines and the Navy cat; and in saying that he was speaking what he knew to be the truth. The subject was a painful and a disagreeable one to speak about; it was distasteful, in the highest degree, to them to have to inflict punishment of this character. He wished it to be distinctly understood that, in consequence of the allegations that had been made, there was no separate cat for the Marines—and he was stating what was universally known to hon. Gentlemen connected with either Service. There was a sealed pattern of cat for the Navy; it was sealed under an engagement entered into by his Predecessor in Office (Mr. Ward Hunt); but he had not had that cat before him, nor did he think that it was any part of his duty to be constantly inspecting an instrument of that kind. He might say, however, that he knew, as a matter of fact, that it was in the custody of the proper officers, and was the pattern which was used in the Navy, and, when occasion arose, in the Marines. He was happy to tell the Committee that the occasions for its use were extremely rare.

MR. CALLAN observed, that the right hon. Gentleman had stated that there was a sealed pattern of cat for the Navy. The best way he could meet that statement was by telling the Committee what he had himself seen; and he would repeat again exactly what happened, and give a flat contradiction *in toto* to what the right hon. Gentleman had stated. He had no strong opinion on this question; but on last Tuesday week he went to the Admiralty for the purpose of inspecting these cats, and sent in his card to the First Lord.

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He received him most courteously, but said—"I know nothing about the cat; no doubt, it is in the custody of the First Seagoing Lord; I will make arrangements with him for you to see it." The First Sea Lord was then at Liverpool; but he came back on Thursday, and he (Mr. Callan) again called at the Admiralty, and sent in his card to the First Seagoing Lord. On informing that gentleman of his errand, he said that it was the first time that he had ever heard of the cat. The Secretary of the First Seagoing Lord was sent for, and he said he did know something about the cat. A search was instituted, but no sea cat was found. It was suggested, however, by the Secretary that there was a Marine cat, which was kept in New Street. On Friday he called again at the Admiralty, when the First Seagoing Lord was in attendance at some Committee, and the Private Secretary showed him the cats. But there was no Navy cat at all. The Marine cat was a very beautiful cat, of about 9 or 12 inches in length in the handle; the plait was divided into nine tails, and was about 12 inches in length. At the end of the tails there were nine knots. They were unable, however, to find any cat for the Navy. He challenged the right hon. Gentleman to produce any sealed pattern of the sea cat. There was a cat in the stores in 1877; the Marine cat was sealed and signed by Mr. Gordon; but the Admiralty cat was not sealed, and had only a piece of paper round it, and was covered with green baize. What was the use of the sealed pattern of cat, unless it was as a sample for other cats? The First Naval Lord telegraphed for the sea cat used on board the *Duke of Wellington*, and that was shown to him; it was one-half heavier and much larger than the cat which he was told was the Navy cat. He maintained that the First Lord of the Admiralty was bound, in honour, to produce the sea cat, the Marine cat, and the *Duke of Wellington* cat; and he maintained, further, that the cat which he had himself seen at the Admiralty was a fraud. Therefore, he would ask the hon. Member who had moved to report Progress to persist in his Motion, and to go to a Division repeatedly, unless they had an assurance that the First Lord would have the common decency to produce these cats. If the right hon.

Gentleman challenged the veracity of any hon. Member of that House, he was, in common decency, bound to produce them. It would be a dishonourable act ["Order, order!"]

THE CHAIRMAN: I must point out to the hon. Member that it is not a Parliamentary expression to impute to any other hon. Member a dishonourable act.

MR. CALLAN: I did not say it will be a dishonourable act; but I say it would be a dishonourable act. I say it would be a dishonourable act on his part, if a right hon. Gentleman in his position challenges the veracity of an hon. Member of this House, and said, before he challenged him, that he had personal knowledge upon the matter—I say it would be a dishonourable act, if he did not give facilities to hon. Members to judge between his statement and mine.

MR. JACOB BRIGHT said, that the subject of their discussion was flogging in military prisons. He was quite sure that no hon. Members in that House—that no Party in that House—desired to flog in military prisons, unless some good case was made out for it. If it could be shown to be absolutely necessary, some hon. Members, and some Members on the Government Benches, would rise and show what that necessity was. He would undertake to say that no one could make out a case for it; and if anyone could it would be the hon. and learned Member for Oxford (Sir William Harcourt). The hon. and learned Gentleman had endeavoured to make out a case; but he never heard a more utter failure. He said that they could not deal with a refractory prisoner unless they could flog him. But the hon. and learned Member for Stockport (Mr. Hopwood) affirmed that this was the only country in the world where flogging existed in prisons. The argument for flogging soldiers in the field had some force, for they were told that they could not employ other punishments in those circumstances sufficient to keep men in order. But that was not true of a military prisoner; they had that man completely in their power, inclosed within four walls. He could be starved, or he could be kept in solitary confinement—could be punished in many ways. When they were asked to continue the use of this disgraceful and degrading punishment in military prisons, it was only fair that some hon. Gentleman should rise

and show the Committee how the necessity arose.

MR. E. J. REED said, he thought some hon. Members had fallen into an error as to what had been stated by the hon. and learned Member for Louth (Mr. Sullivan) in moving his Amendment. Speaking from his own recollection of what had occurred, his impression was that the hon. and learned Gentleman's object was to bring the present clause into harmony with one which had been previously passed, and to provide that in military prisons no more severe punishment should be inflicted than the soldier would be liable to if convicted of an offence for which he might be subjected to corporal punishment while serving in the field. The Government, if he was not mistaken, had expressed their readiness to accept the Amendment of the hon. and learned Gentleman if the word "lashes" were substituted in it for the word "stripes." That being so, he saw no necessity for wasting the time of the Committee by prolonging the discussion on a point on which they were, practically, all agreed. ["No, no!"] He would appeal to any hon. Member who had heard what had fallen from the right hon. Gentleman the Secretary of State for the Home Department to say whether he (Mr. E. J. Reed) was not right in the interpretation which he put on what had taken place? The desire of the Committee, so far as he was able to judge, was to bring the clause into accordance with an analogous clause to which the Committee had already agreed; and they were, he believed, all practically of one mind on the question. ["No!"] That, at all events, was his impression from what had taken place; and he would appeal to the Chairman to say whether it was not open to any hon. Member to move that the word "lashes" should be substituted for "stripes" in the Amendment proposed by the hon. and learned Member for Louth? If so, he should be willing to make such a Motion.

THE CHAIRMAN pointed out that the Question before the Committee was the Motion of the hon. Member for Stafford (Mr. Macdonald) to report Progress. That Motion must be disposed of before another could be moved. When it had been disposed of, it would be open to any hon. Member to move to

amend the Amendment proposed by the hon. and learned Member for Louth.

MR. SULLIVAN said, the hon. Gentleman the Member for Pembroke (Mr. E. J. Reed) seemed to have misunderstood the position which he had taken up in moving his Amendment; and the argument which he had used was, perhaps, calculated to leave an erroneous impression on the mind of an hon. Gentleman who had not been present at previous discussions on the subject. He had referred to the fact that the Government had already accepted the principle that the number of lashes should be reduced from 50 to 25; but he had in no way retreated from the ground which he had always taken up—that no proof had been given for the necessity of inflicting corporal punishment at all. Entertaining the opinions which he did on the subject, he could not conscientiously move an Amendment which would sanction the infliction of the lash; but he had, at the same time, stated that if the right hon. Gentleman the Secretary of State for the Home Department, or any other hon. Member, would move that the word “lashes” should be substituted for “stripes,” he should not object. He would vote against such a proposal if it were carried to a Division; but he had not the remotest wish to prolong the discussion upon it.

MR. ASSHETON CROSS thought the difficulty might be met by the substitution of the word “lashes” for “stripes.”

MR. BIGGAR could not help thinking that the Committee was getting into a state of great confusion. The right hon. Gentleman who had just sat down, for instance, did not seem to be in the slightest degree aware what the question was which was before the Committee. He might, however, inform the right hon. Gentleman that it was a Motion to report Progress, which had been made by the hon. Member for Stafford (Mr. Macdonald) in order to afford the Government an opportunity of producing, for the inspection of hon. Members, the various sorts of cats which were used in the different Departments of the Public Service. There was a great deal of contradictory evidence as to the cats which were in use at the Admiralty. There was no direct evidence as to the nature of the cat

which was employed in the Army or in our prisons; and, as he understood the matter, the hon. Member for Stafford (Mr. Macdonald) desired that the House should have an opportunity of seeing those instruments of torture before the Committee on the Bill was again resumed. The subject was a very important one, and the evidence, as he had said, was perfectly contradictory. The system of flogging had not that evening been defended by the Government, or by any hon. Member sitting on the Government side of the House. Its defence had been left to an hon. and learned Member, and to another hon. Member who sat above the Gangway on the so-called Liberal side of the House. But with all respect to hon. and dishonourable Gentlemen—

THE CHAIRMAN: I must call on the hon. Member to retract an expression which he must know is entirely out of Order.

MR. BIGGAR said, he wished to explain—

THE CHAIRMAN: The hon. Member has been called upon by the Chair to retract an expression which, as applied to Members of this House, is entirely contrary to Order. I must, in the first place, call upon him to withdraw that expression. Any explanation which he may have to offer he can make after.

MR. BIGGAR, who rose amid cries of “Withdraw!” said, that if hon. Members opposite would allow him, he would tell the Committee what it was he had said. He did not refer to Members of that House when he used the word “dishonourable.” He used the word “honourable” as having reference to Members of the House; but in using the word “dishonourable,” he had no intention of applying it to them. He never alluded to Members of the House in any other terms than as “hon. Members.”

THE CHAIRMAN: Am I to understand the hon. Member as disclaiming having used the word “dishonourable” as applied to any Member of this House?

MR. BIGGAR: Certainly; and he might add that if hon. Members opposite would get up and defend the action of the Government in flogging our soldiers and sailors instead of interrupting other hon. Members in the middle of their sentences they would do better. The fact was,

hon. Members opposite seemed to be ashamed of the position in which they had placed themselves.

MR. BARING rose to Order. The hon. Member for Cavan had used the words "honourable or dishonourable Members."

MAJOR NOLAN said, the hon. Member for Cavan had used only the words "honourable or dishonourable," and had stopped there. He had not spoken of Members of that House as "dishonourable."

MR. O'DONNELL wished to know whether, after the ruling of the Chairman, who had decided the whole point at issue in favour of the hon. Member for Cavan, it was open to the hon. Gentleman opposite (Mr. Baring) inferentially to impute falsehood to the hon. Member?

THE CHAIRMAN: The hon. Member for Dungarvan has not accurately stated the matter when he says that I have ruled any point in reference to this matter. I endeavoured to obtain from the hon. Member for Cavan an express withdrawal of an expression which, as I understood, he had applied to Members of this House. I understood the hon. Member for Cavan expressly to withdraw that expression. [Mr. BIGGAR: Disclaim.] To disclaim, then, the use of any such expression as referring to Members of this House. I cannot say that the hon. Member for Essex (Mr. Baring) is out of Order in stating what, in his opinion, were the words used by the hon. Member for Cavan; but I hope I have succeeded in obtaining from the hon. Member for Cavan a disclaimer which may be considered satisfactory to the Committee.

Question put.

The Committee divided:—Ayes 35; Noes 171: Majority 136.—(Div. List. No. 145.)

MR. ASSHETON CROSS said, that the observations which had been made by the hon. and learned Member for Louth (Mr. Sullivan) were perfectly consistent with the position which he had taken up throughout the whole of the discussions on the Bill. He thought, he might add, that the proposal of the hon. and learned Gentleman was a very fair one; and he was, therefore, on the part of the Government, ready to accept the

suggestion which he had made, and which would practically give effect to what he believed to be the wish of a large majority in the country. He begged to move the omission from the Amendment of the word "stripes," in order that the word "lashes" might be substituted for it.

MR. PARNELL said, that if the right hon. Gentleman had made the proposal which he now submitted to the Committee an hour before it would have led to a solution of the difficulty with which the Committee had to deal. But a great many things had happened within that hour. There had been one very painful occurrence. An hon. Member of the House, speaking from his own personal knowledge, and after personal inspection, had told the Committee that there was no sealed pattern of the cat used in the Navy at the Admiralty. The same hon. Member had informed the Committee that the cat on board *The Duke of Wellington* was several times more severe, longer, and thicker, than the cat, which was not sealed, which he saw at the Admiralty. The hon. Member had also stated that the Marine cat, which he saw at the Admiralty, was one with nine tails, with nine knots in each tail. The right hon. Gentleman the First Lord of the Admiralty then rose and said that there was a sealed cat, or cats, at the Admiralty, but that there was no Marine cat. Now, that statement of the right hon. Gentleman was not made of his own knowledge, for he admitted that he had not seen the cats of which he spoke; while, at the same time, the right hon. Gentleman undertook, on the strength of something which had been told him by someone else, to contradict the accuracy of the statement which had been made by his (Mr. Parnell's) hon. Friend the Member for Dundalk (Mr. Callan). An element had thus been introduced into the discussion which was, in his opinion, of great importance. It was clear, from what had taken place, that the Admiralty officials were in complete ignorance as to the pattern of the cat which was used in the Navy. The Amendment of the hon. and learned Member for Louth (Mr. Sullivan) was to the effect that "stripes" should be inflicted instead of "lashes;" and it would be seen that that was a proposal which bore directly on the nature of the instrument to be employed. The Com-

mittee were, therefore, he contended, entitled, before they proceeded any further with the Bill, to know whether the statement of his hon. Friend the Member for Dundalk or that of the First Lord of the Admiralty was the correct version of the actual state of things with reference to those cats. In the absence of that knowledge, the Committee would be voting blindly, and in the dark, on the Amendment of the hon. and learned Member for Louth. The statement which had been made by the First Lord of the Admiralty had, he must confess, taken him altogether by surprise. He had also been taken by surprise by the statement of his hon. Friend the Member for Dundalk. He had no idea that there was a cat at the Admiralty with nine knots and nine tails. Before the Committee went any further they ought to know the truth about the matter. They ought to know what punishment it was to the infliction of which they were assenting—whether it was one of a severe and unmerciful description; or whether, on the other hand, the instrument with which it was to be inflicted would render it as little of a torture, and as little cruel, as he maintained it ought to be. In order that an opportunity might be afforded for clearing up the matter, he should move that the Chairman leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Parnell.*)

MR. SULLIVAN thought that the Government ought to move that the Chairman do leave the Chair; for they could not, in justice to the character of the House and of the Government, let that painful matter rest where it was. He felt very strongly that it would not be right to agree to any such course of procedure. If the right hon. Gentleman the First Lord of the Admiralty would state of his own knowledge as to the real circumstances of the case, they would take his word as to any matter within his own purview with the greatest pleasure. He would put it to the right hon. Gentleman the First Lord of the Admiralty, whether it would not be desirable to have an opportunity of clearing up this mystery now before the Committee? It should not be allowed to rest where it was. He should cer-

Mr. Parnell

tainly vote for the Motion that the Chairman do now leave the Chair.

MR. W. H. SMITH wished to point out that what they were discussing was, after all, a side issue. Let them look for one moment, at the simple facts of the case. It was perfectly true that there was an Admiralty cat; but he was very glad to say that it was most rarely used in the Navy, and it was many years since corporal punishment had been inflicted in port. It was a very rare occurrence, either as regarded seamen or marines, that it should be necessary to inflict corporal punishment. The Bill which was then under discussion did not affect the Navy at all, and had no bearing on the Admiralty in any sense or form. They would be perfectly prepared to give any hon. Member an opportunity of inspecting the sealed pattern, at the Admiralty, of the Navy cat. He might assure the hon. Member for Dundalk that there was a sealed pattern of the cat for the Navy kept at the Admiralty.

MR. CALLAN remarked, that he had seen a cat at the Admiralty; but it was not a sealed one.

MR. W. H. SMITH did not impute to the hon. Member any want of veracity; but he was sure that he was under some misapprehension. [Mr. CALLAN rose, but was met by cries of "Order!"] It was not possible for the hon. Member to be other than under misapprehension upon this subject. Everyone was liable, occasionally, to that. He wished to repeat to the Committee the statement that there was a sealed pattern of cat at the Admiralty; and he would only add that it was rarely used, and had no reference to the question now before the Committee. Any hon. Members who took an interest in this question could have an opportunity of inspecting this sealed pattern if they went to the Admiralty.

MAJOR NOLAN said, that if the right hon. Gentleman the First Lord of the Admiralty thought he had been treated somewhat unfairly, he must point out that that side of the House was not responsible for it.

MR. HOPWOOD thought that they might arrange matters if the view he suggested were adopted. A great deal of hostility was exhibited by hon. Members with reference to flogging, and the nature of these cats had been strongly

commented upon. After what had passed, he thought it was necessary that they should all see what these cats were like. As a good many of the Members did not wish to go to the Admiralty to do so, he would suggest that the Government should agree that these three instruments should be brought to the House, and be deposited either in the Library, or any part of the House which might not be too much dishonoured by their presence, in order that hon. Members might have an opportunity of seeing what the cats were like, and judging for themselves. He was quite sure that if that were done a great deal of unpleasantness would be saved; and the House would be much better able to judge whether it was necessary to retain the punishment of 25 lashes, or abolish flogging altogether. He hoped that the Government would agree to the proposal he had made, for there was no reason for their not doing so. He could understand that hon. and right hon. Gentlemen opposite felt that only the dire necessity of the case should compel them to advocate what they themselves would scarcely look upon or touch. For his part, he entirely sympathized with them in the false position in which they were placed as advocates of this system. But they could get rid of that position. These repeated discussions were doing away with the system; and he did not doubt, in a short time, to see the whole Treasury Bench converted to the opinions held on the Opposition side of the House, while the Opposition remained steadfast in theirs, and the system would be abolished. He would suggest, in the meantime, that if the Government would allow them to see the cats in the House they could proceed to the discussion of this Amendment.

MR. WATKIN WILLIAMS was not at all satisfied with the explanation of the right hon. Gentleman the First Lord of the Admiralty, and he did not feel able to give a satisfactory vote upon the question. He would like to tell the Committee what pressed upon his mind. The hon. Member for Dundalk (Mr. Callan) had asserted, from his own knowledge, that there was no sealed Navy cat at the Admiralty. The First Lord of the Admiralty had begun by assuring the Committee that what he was about to say was from his own personal knowledge. Again, the right hon.

Gentleman repeated that he was speaking from his own personal knowledge that there was no difference between the Marine cat and the cat for the Navy, and further said that there was a sealed pattern of cat for the Navy. If there was any value at all in a sealed cat—if it was not an absolute deception—it was a security that the cats in use should correspond accurately with it. The First Lord of the Admiralty dealt with that, and asserted that his Predecessor had religiously and carefully observed the pledge he had given, and that a sealed pattern of the cat for the whole Navy was kept at the Admiralty. But the right hon. Gentleman had forgotten to answer one point, which struck him as most unfortunate. The hon. Member for Dundalk said that there was no sealed cat for the Navy, or what was called a sealed cat. And, further, he said that the cat which he had been shown as used on board the *Duke of Wellington* did not correspond with the cat—not a sealed cat—which he had been shown at the Admiralty as the Navy pattern. This seemed to him a most serious accusation to bring against the Government; and he did not think that the Committee ought to progress with this Bill while these statements remained as they were. For his part, he had no doubt on which side the truth lay; and he should do his best to assist in preventing the progress of that Bill until they had got to the bottom of this matter. He would not be satisfied until he had seen these cats for himself. It was all very well for the right hon. Gentleman the Home Secretary to say that this matter had nothing to do with what was in this Bill. It had everything to do with it, because it affected their judgment in this matter. What confidence could they have that the cats used would correspond with what they were told were sealed patterns, when the cat used on board the *Duke of Wellington* was asserted to be by the hon. Member for Dundalk directly at variance with that at the Admiralty? He should certainly vote against further progress until these matters were cleared up.

SIR JOHN HAY said, that there had been no flogging in Portsmouth Harbour since 1853—before the Crimean War—and flogging was not now allowed in harbour, either by courts martial or in any other circumstances. The hon.

Gentleman the Member for Dundalk had alluded to the sea cat used on board the *Duke of Wellington*. He had no doubt that the hon. Gentleman saw a cat which he was told was the cat kept on board the *Duke of Wellington*. But it must be a very old cat, and why it was kept there he did not know. He would endeavour to tell the Committee what he did know upon the matter, as he had no wish to express any particular view on the subject. He wished to mention some facts, in order to assist the Committee in arriving at a satisfactory conclusion. He believed that there was a sealed pattern of cat kept at Portsmouth, at Plymouth, and at Chatham, at which places the article was manufactured. So far as he could remember, it consisted of nine tails, and with a handle 18 inches in length. The tails were tied up with a piece of thread at the end, but there were no knots; the Marines were punished with the same cat. Boys were punished by cats with six tails, or with a birch rod, and a very good thing it was for them, if they deserved it. They were flogged precisely as they were at Eton or Harrow. He believed that the late First Lord of the Admiralty promised that patterns of the cat should be kept at Chatham, Portsmouth, and Plymouth; but whether the patterns were sealed or not he did not personally know. He would say, further, that in Portsmouth Harbour, even before 1853, it was extremely rare to flog. He was not an advocate of flogging; but he believed that flogging was a very good punishment for boys before they got to a certain age, as well as for men who were incorrigibly bad. He would mention that while afloat the Marines were punished by exactly the same instruments as seamen of the Navy.

Mr. HERSHELL thought that it might be possible that there had been on board of the *Duke of Wellington* an old cat which had been sent to the Admiralty and shown to the hon. Member for Dundalk. That was a very likely explanation of what had happened, though it was not clear why this old cat had been kept. He thought that everyone must feel that it was only reasonable an opportunity should be given to the right hon. Gentleman the First Lord of the Admiralty to give the Committee satisfactory information on these points. He thought that the fact was very likely

as he suggested; but, at the same time, care should be taken that these old-fashioned cats should be withdrawn from the Navy, and instruments that were in conformity with the patterns should be substituted for them. He thought that some inquiry and explanation upon these matters was required. What was the third cat of which they had heard? He could not tell, unless it was one formerly used for the Marines. They ought to be told for what purpose that cat had been used, and how it came to be where it was. From the statement made by the hon. Member for Dundalk, it was clear that the Committee was entitled to ask the right hon. Gentleman the First Lord of the Admiralty to make inquiries and explain the points that had been raised.

Mr. W. H. SMITH said, that in answer to the appeal of the hon. and learned Member he would state that inquiries should be made on the points mentioned. He would also undertake that no punishment should be inflicted by any other cat than the sealed pattern. He wished to repeat to the Committee that corporal punishment was exceedingly rare.

Mr. GRAY remarked, that the explanation given by the right hon. and gallant Admiral (Sir John Hay), seemed to have rendered confusion worse confounded, for he had given them an assurance that a knotted cat was unknown. The hon. Member for Dundalk (Mr. Callan) had told them that within the last three or four days he had inspected the cat at the Admiralty—that used either for the Marines, or for the Navy, which had nine knots on each tail. The Government had given them no information as to the nature and use of the sealed cat, which was said to be for the Marines. They had only been able to elicit the information that the cat was an old pattern, used on board some of Her Majesty's ships. After a great deal of conversation, it was only then that the right hon. and gallant Admiral told them that the cat made in the pattern of the sealed cat should be the only one used in the Navy. Surely it was time now that the Committee should be allowed an opportunity of inspecting these three cats, and knowing what they could with regard to them.

Mr. CALLAN remarked, that his statement was that he had seen three

Sir John Hay

separate cats at the Admiralty. He waited upon the First Seagoing Lord, and, in reply to his inquiries, the noble Lord stated that he knew nothing of any cat. But his Secretary said that he was under the impression that there was a cat in New Street. The next day the cat was shown to him in the room of the First Lord of the Admiralty. The Private Secretary then informed him that the cat which he saw—one with knots, and sealed—was the one used for the Marines. He was also shown a cat, not sealed, to which was attached a piece of paper, saying that it was a pattern cat in store in 1877. The First Seagoing Lord, on the first occasion which he saw him, said he would telegraph to Portsmouth; and, on another occasion on which he (Mr. Callan) was at the Admiralty, a cat from the *Duke of Wellington* was shown to him. The *Duke of Wellington* cat was one-half longer in the tails, and heavier in the handle, than the cat which was said to be the Admiralty pattern. What he had stated was, that attached to the heavy cat which he saw was a piece of paper, on which was written that it was used on board the *Duke of Wellington*. Under these circumstances, he thought that the cat at the Admiralty was a fraud upon the House, and upon the public at large. The cat used on board of the *Duke of Wellington*, in the hands of a strong man, would inflict much more severe punishment than the cat which he was told was the Navy pattern. It was for his own information that he had gone to see these cats, and he was sorry that his veracity had been called in question. That charge must be proved or withdrawn; and he would then state a Notice which he would give for the purpose of placing the House in possession of this question:—

“That, previous to the further consideration of the Army Discipline and Regulation Bill, the specimen of a cat-o’-nine-tails for use in the Navy, now at the Admiralty, the sealed cat-o’-nine-tails for use in the Marine service, also at the Admiralty, and the cat-o’-nine-tails in actual use on board the *Duke of Wellington*, now also at the Admiralty, be deposited in some convenient place in this House, for the inspection of hon. Members.”

THE CHANCELLOR OF THE EXCHEQUER said, that one expression which had fallen from the hon. Member had induced him to take a part in the discussion, in order that there might be no

misunderstanding. The hon. Member alleged that he had made a statement, and that his veracity had been questioned. He thought that no hon. Member ought to be placed in a position in which he could say that his veracity had been questioned, or that any charge had been made against him. He wished to say that he was quite sure, from what had fallen from his right hon. Friend the First Lord of the Admiralty, or from any other hon. Member on that side of the House, that there was no intention of questioning the veracity of the statement of the hon. Member for Dundalk. All that his right hon. Friend the First Lord stated was that he was sure that there must be some misapprehension, and that it was desirable to clear up that misapprehension. For his part, he was quite sure that no hon. Member of that House doubted for a moment the veracity of the hon. Member for Dundalk, or of any other hon. Member. It was obvious that there had been some confusion upon this subject; but his right hon. Friend had promised to make some inquiries with regard to these cats. So far as they could judge from the explanation given by his right hon. and gallant Friend (Sir John Hay), the cat sent from the *Duke of Wellington* seemed to have been one that had been laid up on that vessel for a very considerable time; and, in all probability, was an old implement, never now made use of. That seemed to be the explanation that would be forthcoming. There could, of course, be no meaning in sealing a pattern of a cat if another might be actually in use. No doubt, that would be a gross abuse, and one which he was quite certain no First Lord of the Admiralty would sanction. The point deserved inquiry, and inquiry should be made. As regarded the question of the sealed pattern, his right hon. Friend the First Lord had positively stated that there was a sealed pattern of cat. Further, his right hon. Friend the First Lord had said that there was no Marine cat, for the cat that was used for the Marines was the Navy cat. At all events, his right hon. Friend would inquire into the matter, and would then give some explanation. But he wished it to be distinctly understood that no imputation had been cast upon the veracity of the hon. Member for Dundalk. He did hope that the Committee would now proceed with this clause.

At an earlier period the question of corporal punishment was discussed at very great length; and the result was that this House arrived at the conclusion that, to provide for ordinary offences, the number of stripes or lashes should be 25; now they had come to the point where the question had arisen as to what punishments should be inflicted in prisons. Unfortunately, they were under the necessity of inflicting corporal punishment in prisons, and a majority of the House recognized the necessity of inflicting corporal punishment; and it was now proposed, on behalf of the Government, that, upon their own responsibility, they should accept a proposal to limit punishments in prisons to the same amount as had been already provided for civil criminals. He thought that the Committee would be acting entirely in accordance with what it had already done in coming to a conclusion on this point; and in leaving the clause as the Government had suggested it would be entirely in harmony with what had been already done. The clause was objected to by some hon. Gentlemen; but he would put it to them whether, at all events, they would not be satisfied, after taking a Division, that there was no necessity to continue the discussion, which really, to a great extent, could only be repetitions of the same arguments?

MR. SULLIVAN said, the Committee could not proceed until it knew how it came to pass that there were three different patterns of the lash. He did not wish to assume anything as proved, because he hoped the Committee would have an opportunity afforded them of seeing for themselves how the matter really stood. He referred to the speech of the right hon. and gallant Admiral opposite (Sir John Hay), as opening up a matter for the serious reflection of the Committee. That speech had revealed the fact that the pattern lash had not been served out to all the ships in Her Majesty's Navy. It was a matter of serious alarm that a ship in the Indian Seas, or on the American Coast, should have a cat on board which was not in keeping with any of the three patterns at the Admiralty. The bearing of his remarks was this—that in the secrecy of a prison—say, in Durham, Preston, or Dublin—there might be cats of a pattern which no one could have any means of

comparing with the cat at the Home Office. It was a very easy thing to place the pattern of the cat in the Library of the House, for the inspection of hon. Members; and they would then be able to determine whether to agree to the word "stripes" or "lashes."

MR. R. W. DUFF, from an experience of 12 years, could corroborate all that had been said by the right hon. and gallant Admiral the Member for Stamford (Sir John Hay). The hon. and learned Member for Louth (Mr. Sullivan) appeared to be under the misapprehension that different instruments were used for flogging in the Navy; but, during the whole time of his experience in the Navy, he (Mr. R. W. Duff) had never known a cat with a knot in it to be used. That being so, he could not understand from where the pattern cat came, which was referred to as having nine knots in each lash. His experience was entirely in confirmation of the statement of the right hon. and gallant Admiral opposite and the First Lord of the Admiralty.

MR. DILLWYN said, as the Admiralty had sent to the *Duke of Wellington*, at Portsmouth, and a cat had been returned, the Committee had a right to suppose that the cat was of the pattern served out to that ship and to others. The right hon. and gallant Admiral had said that flogging was not practised on board the *Duke of Wellington*. Why, then, did the Admiralty send a pattern cat to that vessel?

MR. MONK said, there could be no doubt that the hon. Member for Dundalk (Mr. Callan) had been shown three cats, and the Government had been appealed to, to exhibit them in the Library of the House. He thought it would have been better had the right hon. Gentleman the Chancellor of the Exchequer said that he would request the First Lord of the Admiralty to have these cats sent to the House, because, in that case, the Committee would have been able to go on with the Bill.

MR. RYLANDS rose to make an appeal to the right hon. and gallant Gentleman (Colonel Stanley). It was then 10 minutes after 1, and he did not think that any specific progress could be made with the Bill at that hour. The Government, as reasonable men, must see that hon. Gentlemen on both sides of the House had some grounds for saying that the question raised was an im-

The Chancellor of the Exchequer

portant one; and, therefore, he appealed to the right hon. and gallant Gentleman, with a view to the progress of the Bill, to allow Progress to be reported.

MR. PARNELL said, the whole history of this question, during the last two or three years, had shown how entirely valueless was negative evidence of the kind offered by the hon. Member for Banffshire (Mr. R. W. Duff). The hon. Member had given evidence which, at first sight, seemed very valuable; but the experience of some hon. Members had shown it to be entirely valueless. He said that he had never known a knotted cat to be used in the Navy. But what had been the history of this question? The hon. Member probably did not know how it was that the attention of a former First Lord of the Admiralty (Mr. Ward Hunt) had been called to it; but it was in this way. On the occasion of one of the annual Mutiny Acts going through the House, the question of the kind of cat that was to be used was raised by the hon. and learned Member for Louth (Mr. Sullivan), and the noble Lord the Member for Clare (Lord Francis Conyngham) rose in his place and said that he had seen the thieves' cat used in the Navy on men who had committed breaches of discipline, and that, after such use, he had seen the boatswains' mates combing the flesh out of their whiskers, and from between the lashes of the cat. That statement so impressed the then First Lord of the Admiralty that he promised to have a pattern cat kept at the Admiralty. Thus might be seen the valueless character of negative evidence. The hon. Member had never seen the thieves' cat; and therefore he contradicted the hon. Member for Dundalk (Mr. Callan), who had seen the pattern. Exactly the same kind of statements were made with reference to flogging in the Army. The hon. and gallant Member for Sunderland (Sir Henry Havelock) had said that cases of flogging were very rare; but the hon. and gallant Member for Galway (Major Nolan) thereupon informed the Committee that a very great deal of flogging was going on in the Army; and immediately afterwards accounts came from Zululand that there had been a regular carnival of cats on the banks of the Tugela. Therefore, the Committee could not accept this negative evidence as

proving a negative contrary to the experience of hon. Members. The Government would have to produce these pattern cats. The Committee were now legislating for the prisoners, and had been told by the Government that the cat used in prisons would be the same as the Admiralty cat; therefore, the Committee ought to know what the Admiralty cat was like. All hon. Members could not run into the Admiralty to get a sight of the cats; and even if they did, perhaps they might return with conflicting views which would tend to personal encounters, such as had taken place that evening between the First Lord and the hon. Member for Dundalk, who had seen the cats. Hon. Members were entitled to have the cat placed in the House, so that they might know what kind of punishment was to be administered before the Bill proceeded any further.

MR. MACDONALD said, the Committee had the admission that another cat was in existence other than that sealed by the Predecessor of the First Lord. He demanded from the Government to know whether there was another cat in use; and the assurance that, if that was so, there should be but one cat used, and that only after it had been submitted to the House?

MR. W. H. SMITH said, he would inquire into the matter; but he had distinctly stated that the sealed cat of the Navy was the cat which would be used; and he undertook, upon his own responsibility, that no other cat than that should be used in the Navy.

MR. O'CONNOR POWER said, that all hon. Members would appreciate the anxiety of the First Lord of the Admiralty to see that no other than the Navy cat was used. But the matter stood thus. The Committee had been frequently engaged, during the progress of the Bill, in discussing the question of flogging, and felt that if they could examine the cat their views would be enlightened. He (Mr. O'Connor Power) thought the Government ought to save hon. Members the trouble of going to the Admiralty, or on board ships, by placing the cat to be used in the Library of the House. The First Lord of the Admiralty had said he would inquire into the matter; but was it a matter of so much inconvenience to him to produce the cat? The question before the Committee was, whether they should pro-

ceed with the Bill before the cat was produced? If it was so laborious a matter, and such a sacrifice of principle, for the Government to bring it down to the House, then, indeed, they ought to resist the Motion that the Chairman do leave the Chair. But there appeared to him so much in favour of the appeal made to the First Lord that he would ask him whether he would not give orders to-morrow, after satisfying himself as to the nature of the cat used in the Navy, which would enable hon. Members to see the Admiralty cat in a manner more convenient to them than going to the Admiralty—that was to say, by having it placed in the Library of the House? Unless the First Lord acceded to this request, it would very likely happen that after dividing on the Motion before the Committee some hon. Member would move that Progress be reported. The Committee were not in a position to pronounce judgment upon the question until they had had an opportunity of examining the cat. They required to have the same opportunity of seeing the cat as that which had been afforded to the hon. Member for Dundalk (Mr. Callan); and unless it was promised, he did not believe that any progress would be made. The position was this—either produce the cat, or stop the progress of the Bill.

MR. O'DONNELL remembered distinctly that, on the occasion of the proposed improvements at Knightsbridge Barracks being under discussion, plans were placed in the Tea Rooms for the purpose of assisting hon. Members who were engaged in the discussion of the Estimates. Now, as the disagreeable necessity of flogging was said to exist, he thought the Government of the day ought freely to come forward and place within the reach of hon. Members all the cats in use in the different Departments of the Service. But that was no reason why a dead set should be made on the First Lord of the Admiralty, who, the Committee were quite satisfied, had as much regard for humanity as any of his Colleagues. Let all the cats in use in the different Departments be presented. The practice of flogging had come down from a long time ago; and the Government would suffer no disgrace by placing these cats within the reach of hon. Members. They could produce them in the same way as they produced the plans for

Mr. O'Connor Power

the Knightsbridge Barracks; and he thought that, without great pressure from either side of the House, the Heads of Departments in which these instruments were used might accede to this demand. He was quite satisfied—and he had been authorized by the hon. Member for Stafford (Mr. Macdonald) to say—that this continued opposition to any further progress of the Bill would cease only with the production of the cats; that on Saturday the very same demand would be made, and the Bill would not be allowed to move an inch until the cats were produced. He was satisfied that, if necessary, 500,000 Londoners would be assembled in Hyde Park—["Order, order!"] He was speaking—

THE CHANCELLOR OF THE EXCHEQUER: Sir, I beg to move that the words of the hon. Gentleman be taken down.

THE CHAIRMAN: Is it your pleasure that these words be taken down?

MR. PARNELL said, the Committee, first of all, wanted to know what the words were? The Chancellor of the Exchequer had taken upon himself the responsibility of moving that the words of the hon. Member for Dungarvan (Mr. O'Donnell) should be taken down. He (Mr. Parnell), therefore, said the right hon. Gentleman should take upon himself the responsibility of stating correctly what those words were.

MR. SULLIVAN asked the Chairman to state whether there was any precedent for the interruption of an hon. Member in the middle of a sentence, without the Leader of the House knowing what the hon. Member was about to conclude with? If he were right in his belief that there was no such precedent—and upon that point he awaited the opinion of the Chairman—he should denounce such a proceeding as a menace by the Leader of the House, who had attempted, by a Motion threatening and importing punishment, to interfere with the liberties of hon. Members. The Chairman, as an experienced Parliamentarian, would know that a Motion of this kind meant punishment; and that the Leader of the House had risen to make a proposal for punishment, without allowing the hon. Member for Dungarvan to finish his sentence. He (Mr. Sullivan) would be the last to defend a sentence menacing the liberty of the House, whe-

ther spoken by an hon. Member before or behind him; but so bold an outrage upon the independence of a Member of the House as that which had just taken place he had never heard of in the history of the British Parliament.

THE CHANCELLOR OF THE EXCHEQUER: I think the hon. and learned Member for Louth has expended a good deal of needless indignation upon the Chair. He said that I proposed that the words of the hon. Member for Dungarvan should be taken down before he had finished his sentence. I beg to say that the words which I desired to be taken down had been completed.

An hon. MEMBER: The words, but not the sentence.

THE CHANCELLOR OF THE EXCHEQUER: Yes; the sentence.

MR. O'DONNELL: Certainly not.

THE CHANCELLOR OF THE EXCHEQUER: I will state to the Committee what the words were. The hon. Member said, or used words to this effect—that “unless it was agreed that the cats should be produced the Bill should not be allowed to move one inch.” Those were the words which I moved should be taken down, for the reason that, in substance, they imported that on Saturday morning the Bill will not be allowed to proceed until the cats are produced. Well, Sir, I moved that these words be taken down, because they appeared to me to require the notice of the House, in order that it might be seen whether they did not amount to a threat that unless a certain step were taken the Bill should be stopped by obstruction. It is, of course, competent for any hon. Member to move for the production of the cats; and if the Motion were carried by the House the cats would be produced; but for a Member of the House to state that obstruction should be applied unless some act were done which had not been ordered by the House appeared to me so serious that I moved that the words of the hon. Gentleman should be taken down.

THE CHAIRMAN said, the circumstances of the case, which he would state in answer to one or two inquiries addressed to him, were these—the hon. Member for Dungarvan, in the course of his speech, made use of a certain expression, to which the Chancellor of the Exchequer took exception, in the form which was well known to the Com-

mittee—“I move that these words be taken down.” Thereupon he had sought to ascertain the pleasure of the Committee in the ordinary form—“Is it your pleasure that those words be taken down?” The words were taken down by the Clerk at the Table; but the hon. Member for Meath (Mr. Parnell) rose at once to object to the course taken by the Chancellor of the Exchequer in requesting that those words be taken down. He (the Chairman) had to point out to the Committee that it had been, he believed, a practice frequently followed, that when the Leader of the House, who was responsible to the House for the conduct of the Business of the House, rose in his place to ask that the words of any hon. Member be taken down, opposition was not offered; because it was impossible that the House should have before it any question on which discussion could be founded, until the words to which exception had been taken had become a matter of record. It was for the Committee to consider, after the words had been taken down, whether any action should be founded upon them. Until the words were in the possession of the Committee, it was impossible that any discussion could be conducted with any approach to Order. He therefore called upon the Clerk at the Table to read the words.

The Clerk-Assistant:—

“On Saturday morning this Bill will not be allowed to move one inch before the cat is produced; and, if necessary, 500,000 Londoners will assemble in Hyde Park.”

MR. GRAY, as a young Member of the House seeking for information, asked if, when a Motion was made by the Leader of the House, or by any other hon. Member, that the words of another hon. Member be taken down, that Motion could be carried without the Question being put from the Chair, whether or not it be accepted by the House?

THE CHAIRMAN said, the question that the hon. Member for Tipperary had asked was one not difficult to answer, although it had not frequently come within his own experience to witness proceedings of that description. The course taken was to appeal to the Chair with regard to the words; and it was the duty of the Chair, under the circumstances, not to put a Question in the regular form, but to appeal to the House for the

sense of the House. The proceeding was somewhat analogous to that which took place when an hon. Member proposes to withdraw an Amendment—you invite the opinion of the House. But it was for the Chair to judge in this case what was the prevailing wish of the Committee. He had pointed out to the Committee the practical inconvenience of demurring to the words to be taken down; because, in the absence of the words, it was impossible to conduct the discussion with any approach to Order.

MR. DILLWYN had certainly understood the Question to be asked—"Is it your pleasure that these words be taken down?" Upon the Question being put, a number of hon. Members below the Gangway answered, "No." He respectfully put it to the Chairman that the words taken down were not those which were uttered by the hon. Member for Dungarvan. The Clerk at the Table had read other words than those which the Chancellor of the Exchequer had moved to be taken down. The words read were relative to an assemblage of Londoners. If they were to be taken down, he (Mr. Dillwyn) unhesitatingly stated that the hon. Member had not finished his sentence when he was interrupted.

MR. COURTNEY said, he believed that words could not be taken down, unless they were taken down at once. If that was the Rule of the House, he asked whether it was possible that the words in question could be taken down?

THE CHAIRMAN said, the hon. Member for Liskeard was perfectly right in what he had stated. It was impossible, after discussion, to take down words, because great difference might then arise as to what those words were. He had taken the course which he believed was ordinarily followed in inviting from the Committee an answer to the Question—"Is it your pleasure that these words be taken down?" He was not aware that any hon. Member had cried "No." A considerable amount of confusion prevailed at the time; and the hon. Member for Meath (Mr. Parnell) immediately rose, and proceeded to make a speech upon the subject of the proposal of the Chancellor of the Exchequer; but he certainly did not hear any hon. Member cry "No."

MR. HERSHELL was sitting nearer to the hon. Member for Meath than the Chairman, and had been rather sur-

prised to hear no one cry "No." He had no doubt many hon. Members did say it; but other hon. Members were, perhaps, making more disturbance in their excitement than they were aware of. It was only fair and right to say that if he (Mr. Hershell), sitting where he did, had not heard the cry of "No," the Chairman might not have heard it.

MR. PARNELL said, the Chairman had stated that nobody objected to the taking down of the words, and that, consequently, the words were taken down. But he pointed out that before the words could possibly be taken down he had risen to his feet; and it was a physical impossibility for the Clerk at the Table to have taken down the words before he had risen, and, in the most open way, objected to them. The hon. and learned Member for Louth had done the same thing. He (Mr. Parnell) had asked whether words could be taken down until the Committee knew what the words were which the Chancellor of the Exchequer required to be taken down? and, subsequently, the Chancellor of the Exchequer repeated some words, which were only a portion of those taken down by the Clerk at the Table. What was the fact as regarded the words taken down by the Clerk at the Table? They were words which came between the beginning and the end of the sentence of the hon. Member for Dungarvan, and were taken down by the Clerk at the Table in the teeth of remonstrances by hon. Members, and in the face of a point of Order, and included words in addition to those which the Chancellor of the Exchequer subsequently asked should be taken down.

MR. SULLIVAN had risen to the point, as to whether there was any precedent for an hon. Member being interrupted in the middle of a sentence? And the words since read by the Clerk at the Table showed that the sentence of the hon. Member for Dungarvan was unfinished. He now repeated his question to the Chair. Was there any precedent for a Member being interrupted in the middle of a sentence, in order to have his unfinished sentence taken down with a view to punishment?

SIR WILLIAM HARCOURT, on the authority of Mr. Hatsell, conceived that the proper form was for objection to be made, and then, if there was a general call in support of that objection, that

the Speaker or the Chairman would direct the Clerk at the Table to take down the words objected to. According to that authority, the following were the duties of the Clerk at the Table in regard to the matter:—

“As the Clerk ought to take notes of nothing but the Orders and Reports of the House, he is always under some difficulty, when exception is taken to the words of a Member as being irregular, the House, or any number of Members, calling out to have them taken down; as this call of particular Members, though ever so general, is not properly—indeed cannot be—an Order of the House; and as the taking down the words at the Table is with a view to ground a censure against the Member who used them, the Clerk ought not to be too ready in judging of the sense of the House, or in complying with this call.

“I have looked over all the cases that I can find in the Journals, and have consulted *Grey's Debates*, to see whether I could collect from them any precise rule for the Clerk to follow upon these occasions; but I cannot find that it is by any express order or authority that he takes down the words.

“Not finding, therefore, any precise rule by which it can be collected ‘what are the directions of the House,’ and being of opinion that the Speaker is the only person from whom the Clerk ought to receive the sense, or directions, or Orders of the House; the rule I have laid down to myself, and have observed upon these occasions, has been to wait for the directions of the Speaker, and not to consider myself as obliged to look upon the call of one Member or any number of Members as the directions of the House, unless they are conveyed to me through the usual and only channel by which, in my opinion, the Clerk can receive them. I was, therefore, put under very extraordinary difficulties when, upon the 16th of February, 1770, exceptions were taken to some expressions used from the Chair by Sir Fletcher Norton, then Speaker; but, notwithstanding the loud and repeated cries of several Members, and that I was often particularly called upon by Mr. Dowdeswell—who had been Chancellor of the Exchequer—and many others, to do my duty, and write down the words, I recollected my own rule, and declined writing them down till I had the consent and directions of the Speaker for so doing. And if the Speaker had not given me those directions, I should have persisted in declining to take them down; and would, perhaps, have submitted the regularity of my conduct, in this particular, to the House, and received their explanation of the rule. Whether the Clerk is justified in obeying any other orders or directions but what are signified to him by the Speaker?”—[*Hatsell's Precedents—The Clerk.*]

It also seemed to him (Sir William Harcourt) essential that, in the first instance, the Member objecting should at the time and on the spot state the words to which he objected. The Committee

were in difficulty in this matter; and it was, perhaps, a fortunate difficulty. It seemed to him that there was no doubt that the Chancellor of the Exchequer had omitted to take the initial proceeding which was necessary, when he desired to have the words taken down, of stating what the words to be taken down were. It was quite true that the Chancellor of the Exchequer had subsequently stated the words as he understood them; but that, he (Sir William Harcourt) conceived, did not meet the case. The words must be stated at the moment they were objected to, and if he was right, it was now too late to take objection to them.

MR. GRAY said, in his recollection the words taken down were not the words used by the hon. Member for Dungarvan.

MR. O'CONNOR POWER rose to Order, and appealed to the Chairman as to whether, if the view of the hon. and learned Member for Oxford (Sir William Harcourt) was right, the whole of the proceedings were not vitiated. Whatever share the Chairman had had in assenting to the ill-advised proceeding of the Chancellor of the Exchequer, the right hon. Gentleman had no precedent for moving that words be taken down, when he was not prepared to state the words. The Chancellor of the Exchequer had not stated them; he had relied entirely upon his memory; and, therefore, he (Mr. O'Connor Power) appealed to the Chair on the point of Order, as to whether the Committee could further consider the matter, the Chancellor of the Exchequer having failed to take the necessary initiatory step with reference thereto?

THE CHAIRMAN said, the hon. and learned Member for Oxford had conferred a benefit on the Committee by reading from the work of Mr. Hatsell. The Committee were, no doubt, aware, of the authority which attached to that work as regarded the practice of the House at the time at which Mr. Hatsell wrote. But he would point out to the Committee that, since that work was published, many years had elapsed, and the practice of the House certainly, during that period, in some degree had varied. A case similar to the present occurred since he had occupied the Chair, and on that occasion the words objected to were used by the hon. Member for Meath

(Mr. Parnell). The Chancellor of the Exchequer, in that case, rose to request that the words of the hon. Member be taken down; he did not, on that occasion, quote the words according to the precedent quoted by the hon. and learned Member for Oxford, but no objection was taken, and the words were taken down in accordance with what he (the Chairman) believed to be the general view of the House. Acting on that view on the present occasion, he had felt it to be his duty to direct the Clerk at the Table to take down the words to which exception had been taken. He thought that the Committee would see that a matter of this description, which raised the question of the Privileges of Members of the House, would be more conveniently discussed with the Speaker in the Chair, and in the presence of the House, because the present discussion, he thought, could hardly lead to any practical result. It would be open to any hon. Member, who thought the course which had been pursued was irregular, to challenge it before the House at large if any Motion was made.

THE CHANCELLOR OF THE EXCHEQUER: In what form, Sir, ought this matter to be brought before the House?

THE CHAIRMAN said, the most recent precedent on the subject was the one to which he had referred, and which he would then read to the House—

"Mr. PARNELL, Member for Meath, having, in the course of debate, expressed, regarding further Progress of the Bill in Committee, 'his satisfaction in preventing and thwarting the intentions of the Government in this respect,' the Clerk was directed to take down those words, and the same were taken down accordingly:—

Motion made, and Question, 'That the Chairman do report the same to the House,' put, and agreed to.

Mr. SPEAKER resumed the Chair, and Mr. RAIKES reported that he was directed to report to the House the words used by Mr. PARNELL, the hon. Member for Meath."—[July 25, 1877, *South Africa Bill.*]

There could be no further discussion of this matter unless a Motion were made.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I move that the words be reported to the House. I only wish to say, with reference to the form of proceeding, that I challenged the words to which I objected the moment they were spoken, and requested that those words

should be taken down, and on being subsequently asked what the words were I stated what they were.

Motion made, and Question proposed, "That the Chairman do report those words to the House."—(Mr. Chancellor of the Exchequer.)

Mr. CHAMBERLAIN said, the words quoted by the Chancellor of the Exchequer were to the effect that the hon. Member for Dungarvan had said, in certain eventualities, the Bill should not be allowed to move a single inch. The words taken down by the Clerk at the Table were to the same effect, but with this addition—that the hon. Member for Dungarvan had also said that 500,000 men would meet in Hyde Park. He asked, whether it was competent to take down words which had not been excepted to, and which he, therefore, submitted could not be taken down? Further, bearing in mind the precedents referred to by the hon. and learned Member for Oxford (Sir William Harcourt), he begged to ask, seeing there was a different opinion as to the words used, whether the Committee had not the right to divide on this Question before any words could be reported to the House?

THE CHAIRMAN said, the hon. Member for Birmingham (Mr. Chamberlain) had stated quite accurately that the Chancellor of the Exchequer took exception to part only of the words read by the Clerk at the Table. But the Clerk at the Table had been directed by the Chair to take down the words as he heard them. As to the course to be taken by the House, and as to how far the Chancellor of the Exchequer could include, in the Motion made by him, any other words than those to which he excepted, those appeared to him to be matters for the House to consider. As to there being a Division taken before the words could be reported to the House, he would point out that this was really an impossibility, because the words had been at once taken down, and it was, therefore, necessary for the Speaker, or for whoever occupied the Chair, to exercise such discretion as he might deem proper as to the words taken down. He believed himself to have been acting in accordance with the general wish of the Committee. It was impossible to take a Division, because it was asked that the words should be taken down.

The Chairman

The effect of the words being taken down was not necessarily a premature proceeding, but placed the House in a position to express an opinion on the words used by the hon. Member for Dungarvan (Mr. O'Donnell).

SIR CHARLES W. DILKE said, the Chairman now declared that he felt it his duty to direct the Clerk at the Table to take down certain words, although he had certainly put the Question to the House—"Is it your pleasure that these words be taken down?" He could not conceive a more unfortunate thing than for the Chancellor of the Exchequer to make the Motion which he had made. There was the greatest possible doubt as to what were the words which were used. He had taken them down immediately the Chancellor of the Exchequer rose, as did several hon. Members near him, and the results agreed, with the exception of one word. But these words differed in several important points from the words taken down by the Clerk at the Table. [*Shouts of "Read!"*] He would have the greatest pleasure in reading the words which he (Sir Charles W. Dilke) had taken down to the House, if the Speaker was brought into the Chair. There could be no greater waste of time than the course taken by the Government on that occasion. It had already been said that if a question arose as to the accuracy of the words excepted to, it should be decided upon by the House; and upon that question, should it arise, he and his hon. Friends would certainly divide. But with regard to the words themselves, were they not of a character heard in the House over and over again? He should think 100 Members in the House had made such statements as that now complained of. There could hardly be a Member in the House who had not heard such a statement a dozen times in the last Parliament. He remembered to have heard it said that the Ballot Bill should not be allowed to proceed unless some concessions were made. It was absurd for the Chancellor of the Exchequer to make a solemn Motion to take down such words; and was, moreover, a preposterous waste of time, which could only lead to sitting up late at night.

MR. J. LOWTHER said, in that case it was the duty of the hon. Baronet (Sir Charles W. Dilke) to have intervened

at the time when his recollection, and that of the hon. Baronet, would, of course, have stood upon an equal footing; but the course now adopted, after the lapse of so many years from the time of the alleged occurrences referred to, was scarcely calculated to lead to any satisfactory result, especially when they had recently found the great difficulty of verifying what had occurred only a few minutes before within the hearing of all present; but he (Mr. J. Lowther) certainly stated, most positively, that never, in the whole course of his career in that House, had he made use of any such threat. The hon. Baronet and himself were equally in the recollection of several hon. Members present. He had, no doubt, frequently taken exception to particular Bills; but he unhesitatingly denied that he had ever stated that, under any eventualities whatever, would he adopt a course inconsistent with the Rules of the House.

MR. SULLIVAN was obliged to press his question upon the Chair; it involved distinctly the independence of Members of the House, and their freedom from menace. He, therefore, again asked, whether there was any precedent for an unfinished sentence being taken down?

THE CHAIRMAN replied, that the sentence to which objection was taken had been completed. The Chancellor of the Exchequer had expressly stated, at the time he made the exception, that the sentence to which he excepted was not the last portion of the words taken down by the Clerk at the Table, but the sentence completed before they were uttered.

MR. SULLIVAN said, the matter affected him personally, and he, therefore, appealed to the Committee. The Chancellor of the Exchequer did not give any words until he (Mr. Sullivan) had made his short speech. The Chancellor of the Exchequer had not supplied the Chairman nor the Clerk at the Table with the words; he merely rose to correct him (Mr. Sullivan) in what he thought was wrong as to his conception of the words. The right hon. Gentleman was not aware that the Clerk had the words down, because they had been taken down before he rose. The words to be given to the Speaker were the words taken down by the Clerk at the Table, and the portion of the sentence at which the Chancellor of the Exche-

quer stopped was followed by the word "and." The Clerk at the Table had read—"and, if necessary, 500,000 Londoners will assemble in Hyde Park." Immediately the hon. Member for Dungarvan mentioned men assembling in Hyde Park, there arose a shout of "Order!"—not simply a murmur, but a shout. The hon. Member was going on to explain, when the Chancellor of the Exchequer moved that the words be taken down. What words? Why, everyone in the House at that moment believed it was the words about the assembly of men in Hyde Park, and the Clerk did take down those words; and he said it was not worthy for anyone to shrink back now from that which he meant to do—namely, to make the penalty of the House fall upon the menace which he thought was conveyed in that expression. Now, if the Chancellor of the Exchequer said he did not mean to include those words, and he did not think they were a menace, he would accept the right hon. Gentleman's assurance most freely; but he wished to put this point to the Chair. The Chairman had on record an unfinished sentence, and he was going to report to the House an unfinished sentence. But what words would he report? Would they be the version of the Chancellor of the Exchequer, or the version as taken down by the Clerk at the Table?

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Gentleman had charged him with what he called unworthy conduct, and other expressions of that sort, and he altogether denied the right of the hon. and learned Gentleman to use any such language. He must remind the Committee not only of the particular words which had been used, and to which he took exception, but of the connection in which they were used. The hon. Member for Dungarvan had given them a very plain intimation that the Motion which was then before the Committee for the Chairman to leave the Chair would be followed by another Motion for reporting Progress; and he added that the matter would not stop there, for he stated, on the authority of another hon. Member, that something of the same kind would be renewed on Saturday; and then he went on to use these words—that unless the cat were produced the Bill would not be allowed to move an inch

on Saturday. Now, that was a threat to the House—"No!"—that was a threat to the House that unless something was done which the House had not ordered to be done, at all events, that steps should be taken to obstruct the Business of the House. There could be no question whatever what the meaning of it was; and whether one view were taken of the course to be pursued or another view, it was obvious to everyone what the feeling was against which they had to struggle. When he heard that very plain and significant statement, that that course was to be pursued on Saturday, he paused for a moment to consider whether he ought to notice those words or not. Whilst he was considering, other words were used; but he rose with reference to the Bill not being allowed to proceed on Saturday, and he had nothing else in his mind. He considered the sentence complete—at all events, the statement was complete—and he challenged those words, and those words only. ["No!"] He challenged those words, and those words only; and if the Committee decided that the words should be reported to the House, it was his intention to call attention to the words, which he had more than once stated he accepted as a threat.

SIR WILLIAM HARCOURT said, of course, the assurance of the Chancellor of the Exchequer would be received by the House with implicit confidence; but that did not remove the difficulty in which they were placed. Now, as the Chancellor of the Exchequer said, there were two totally distinct statements made by the hon. Member for Dungarvan. He confessed that until he heard the statement of the Chancellor of the Exchequer he believed—and he thought a good many other hon. Members had believed—that the exception that was taken was to the latter statement, as to the 500,000 men assembling in Hyde Park. Well, no doubt, any exception to those words would be open to the objection taken by the hon. and learned Member for Louth. They would remember the celebrated instance of Patrick Henry in the United States, who said "Cæsar had his Brutus, and George III."—and then there were loud cries of "Order!" and "Treason!" and he ended by saying that George III. had profited by the example—showing

Mr. Sullivan

how a man might get out of a sentence in a way which people did not expect. These words, he thought, could not have been objected to until it was known how they were to be applied. That brought him to the real technical difficulty. The words they were going to report to the House were not the words to which the Chancellor of the Exchequer took exception. It was an indictment with one bad count; but if they were going to report, nothing could prevent the House from debating the latter words as well as the former. The Chairman had no control when the words were reported to the Speaker; they then became matter for discussion. That showed the necessity of the rule laid down by *Hatsell*—that the Member objecting should state the words to which he objected. If the Chancellor of the Exchequer had stated the words at the time, those words only would have been taken down; but in consequence of his not doing so, other words were taken down. That showed the absolute necessity of the rule—

“If the Member who objects desires the words to be taken down, he must repeat the words he objects to, and state them as he conceives them to have been spoken, before they are taken down.”

which had not been done on this occasion; and the consequence was, that it was not the objectionable words which were taken down, but other different words. The essential and important rule in taking down the words had not been pursued; and on that ground he thought these proceedings were wrong, the preliminary condition not having been followed, and that condition not being a trivial matter, but a matter which lay at the root of the whole thing. It seemed a perfectly sensible rule, and one that ought to be adhered to. In 1604, a celebrated person, named John Howe, reflecting, with great bitterness, on the then depression of affairs, and with some personal reflections on the Government, moved that the House go into Committee to consider the state of the nation. The Motion was seconded by a Member who spoke two or three sentences. After that, Mr. Montgomery—afterwards Lord Halifax—took notice of Mr. Howe's remarks, upon which another Member stood up to Order, and stated that for the security of hon. Members it was essential that the words should be objected to at the time they were spoken;

and that view was upheld. Therefore, it was absolutely necessary that the instant the words were spoken the first Member objecting to them must get up and state what were the words. That was a condition precedent to their being taken down. It was a Constitutional Rule of the House, and if it had been pursued on this occasion this debate would not have arisen.

Mr. RYLANDS rose to make an appeal to the Government. The Chancellor of the Exchequer requested the Committee to take a very serious course, which was only justified under two conditions. One was, that the course taken should be perfectly clear, admitting of no subsequent question, so as to divert the attention of the House from the case to a question of procedure. Another essential condition to any Motion calling in question the language of a Member was that it should have the general consent of the House. Well, supposing the Chancellor of the Exchequer were to carry his Motion, which would, doubtless, be supported by a majority of the Committee, what would the right hon. Gentleman expect to gain by it? He would not gain the consent of the whole House; it would not be a question between the great majority of the House and one or two disorderly Members; but he would find that a very large section of the House—the Opposition generally, and not merely those sitting below the Gangway—would decline to follow the lead of the right hon. Gentleman, and would oppose, as far as they could, any action being taken in the matter. Everyone understood the meaning of the Motion. They knew the Government had been put in circumstances of considerable difficulty in regard to the Bill; and he did not deny that time had been occupied, sometimes on small points, which necessarily tried the temper and patience of the Government. The Leader of the House, under those circumstances, had exhibited the greatest possible good temper; but there was no doubt that a good deal of irritation had been produced by the discussions on this Bill; and when they saw so large a portion of valuable time occupied in that way, the Government, naturally, began to feel some resentment at what appeared to them to be an intentional obstruction of the Business of the House. But for

that irritation and resentment, caused by those preliminary circumstances, he was sure the Chancellor of the Exchequer would never have taken notice of the words which dropped from his hon. Friend. Hon. Members were entitled to object to any portion of a Bill, and to use all the Forms of the House in opposition, without being put under penal discipline for it. However, he did not wish to dwell upon that, but simply to put it to the Chancellor of the Exchequer whether, considering the peculiar position this matter had now assumed, the opposition to the Motion, and the irregularity of the mode in which the words had been entered, it would not be better to adopt the suggestion of the hon. and learned Member for Oxford (Sir William Harcourt), who occupied so deservedly a high position in the House, and to decide that the matter should not be further proceeded with?

MR. COURTNEY thought they must all feel they were in a very unfortunate position, and he hoped to avoid making that unfortunate position worse. They must all be conscious that disorderly words might be spoken in this Assembly, and the rule was evidently reasonable that, if taken notice of, they must at once be taken down without debate in the House; because, if a discussion arose, there would follow a contest as to what the words were. The principle laid down by *Hatsell* had been shown by experience to be of paramount importance, that the words complained of should be stated by the Member objecting to them; but that principle had been neglected on this occasion. He wished to point out to the Chancellor of the Exchequer the extreme inconvenience in which they would be landed if this matter proceeded further. The words taken down were not the words complained of. If they proceeded to lay the matter before the Speaker, the first thing would be to acquaint the Speaker with the words complained of and the words taken down. If the words taken down were thus communicated, the objection would at once arise that they were not the words complained of; and *vice versa*; and they would have a most disorderly discussion, with the Speaker in the Chair, as to what were the exact words. He appealed to the Chancellor of the Exchequer to consult the dignity of the House by withdrawing his Motion.

Mr. Rylands

COLONEL STANLEY hoped, as the Minister in charge of the Bill, and the primary cause of the discussion, the Committee would allow him to say a few words. As regarded the immediate subject of discussion, he thought it was not very material to the point whether the sentence as taken down by the Clerk at the Table was or was not incomplete. Stating his own opinion, for what it might be worth, he thought the first part of it, which was the essential part, appeared to be complete; and, as regarded the second part, he hoped they all agreed it was very much better in this case that it should not be complete. However, that was not the matter upon which he wished to trouble the Committee now. What he thought was that the statement of the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), who sat below the Gangway, and had opportunities for conversation with hon. Gentlemen there, might be accepted as coming from an authority, and that they should take as correct his interpretation that in the words used there was no attempt at menace or organized obstruction of the Business of the House. They had all their various modes of expression, and no doubt it was quite competent to hon. Gentlemen to say they would use all the Forms of the House. Attention had been drawn to words which he took down at the moment they were spoken, and which certainly appeared to him to be of a character somewhat beyond that to which they were accustomed in the ordinary use of the Forms of the House. Well, the hon. Baronet had stated the view he entertained of those words. The hon. Baronet did not think they were intended to convey any threat of obstruction; and if that interpretation were borne out by any explanation which the hon. Member for Dungarvan might think it consistent with his duty to offer, he could not help thinking they might still see their way out of this difficulty. After all, was it becoming to them, as men of business, to waste the substance in fighting with the shadow, and to waste precious time in disputing whether they really meant to obstruct Business or not? He hoped the hon. Member for Dungarvan and the Committee would take those observations in good part. A good deal had been said about loss of temper. He was as cognizant of the proceedings

which had taken place on this Bill as anyone; and he thought there were at least some Members who could go on without loss of temper. He hoped that in the character of one who had had a great deal to do with the Bill he might be allowed to make an appeal to the Committee, and to say that if the hon. Member for Dungarvan offered an explanation it would be advantageous to them all.

MR. DALRYMPLE was sure no one had a better right to appeal to hon. Gentlemen on the grounds of sense and good temper than the right hon. and gallant Gentleman who had just sat down. He was not in a position to appeal to the hon. Member for Dungarvan at all; but he might remind the hon. Member that the words which gave rise to this lengthened discussion were really not the hon. Member's own words. The speech of the hon. Member struck him as being—for that hon. Member—of a very moderate kind, and in unusually good taste, and the hon. Member was for the moment betrayed into using the language of another. The hon. Member announced to the Committee that he was charged by the hon. Member for Stafford (Mr. Macdonald) to make an announcement; and he used remarks of the hon. Member for Stafford, which were of a character dangerous to adopt, even if they were only used at second-hand. He said the hon. Member for Stafford had authorized him to say that if the cat were not produced the Bill should not proceed an inch on Saturday, and that, if the cat were not produced, 500,000 men would assemble in Hyde Park—and then there was what was called the "oonfinished sentence." Well, without hoping that this suggestion would be adopted, it might, at least, be suggested that the hon. Member for Dungarvan would not be humbling himself in any way if he withdrew those second-hand remarks, and then there would be no question of anything to be reported to the House.

MR. O'DONNELL had great pleasure in responding to the amiable invitation of the right hon. and gallant Gentleman the Secretary of State for War, to whose conduct of any Business no one certainly could object; but really he had nothing whatever to withdraw. When he stated now that he used no language of any un-Parliamentary ten-

dency, he merely repeated what he was trying to convey when the Chancellor of the Exchequer rose in such alarm. It was true, as the hon. Member (Mr. Dalrymple) had remarked in his interesting speech, that he was quoting the opinion of another hon. Member, and was deducing a uniform conclusion that was to be drawn from it. Further than that he was not aware that he had anything to say at present on any point of Order; and he would only conclude by expressing a very sanguine hope that, for the future, hon. and right hon. Gentlemen would feel perfectly sure of the intentions of Members of that House before they sought to attribute to them intentions which were quite apart from the views of the speakers. The fact was that he rose with a conciliatory intention. He distinctly said he did not see why the Military and Naval Departments should not produce the cats, in the same way as other Departments produced plans of public buildings, for the inspection of hon. Members. His remarks were calculated to induce the Government to consider that a little concession to the feelings of a considerable number of Members on his side of the House was likely to facilitate the progress of the Bill. He was very sorry the Leader of the House misconceived his intention; and he trusted the incident would impress upon the right hon. Gentleman the necessity of more caution in such matters.

THE CHANCELLOR OF THE EXCHEQUER understood the hon. Gentleman to say that his words were misconceived by him, and, as he imagined, by others. If that was so, of course the matter might come to an end. If the words were reported to the House, the natural course would be that the Speaker would call upon the hon. Gentleman for an explanation. He felt it his duty to challenge the words, because he understood them to mean a threat of deliberate obstruction of Business. The hon. Gentleman now disclaimed that intention, and said he took exception under a misconception. Of course, he had now nothing to do but to accept that answer, and withdraw the Motion.

MR. MACDONALD said, his name had been called in question, and he wished to say that in the course of discussion he mentioned to the hon. Member for Dungarvan that he intended on

Saturday to raise the question again by moving the adjournment of the House. He presumed he was exercising a full Parliamentary right, and he did not think he deserved any animadversion from the hon. Member for Buteshire (Mr. Dalrymple); but at 3 o'clock in the morning, after the hon. Gentleman had been dining, he should not believe anything that was said by the hon. Gentleman.

MR. O'DONNELL felt he owed it to the House and to the Chancellor of the Exchequer to finish the unfinished sentence. He was stating, from his own knowledge of popular feeling on the subject, that a meeting of 500,000 Londoners would meet in Hyde Park, to protest against the employment in a degrading and severe punishment of an instrument of torture, which the majority of Members of Parliament had not had an opportunity of examining previous to coming to a decision on the subject.

Motion, by leave, *withdrawn*.

MR. PARNELL said, he had no wish to press his Motion that the Chairman do leave the Chair; but he presumed the Chancellor of the Exchequer would not object at that late hour to report Progress.

Motion, "That the Chairman do now leave the Chair," by leave, *withdrawn*.

COLONEL STANLEY, resuming the discussion of his right hon. Friend's (Mr. Assheton Cross's) Amendment, said, the point was not a very wide one. He would make no objection to reporting Progress at the end of the clause.

MR. DILLWYN thought the point could not be settled until after the production of that wretched instrument which had caused the debate. He moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress and ask leave to sit again."—(*Mr. Dillwyn.*)

COLONEL STANLEY said, the Government would defer to the wishes of the Committee in the matter.

MR. E. J. REED thought the Government ought to express some regret to hon. Members who had been sent on

Mr. Macdonald

what was, practically, a fool's errand, when they sought to find the pattern Navy cat at the Admiralty. If they separated as the matter now stood, what was the prospect for Saturday? On the other hand, it was but a reasonable request that hon. Gentlemen should be allowed to see this instrument.

COLONEL ARBUTHNOT hoped the Government would not consent to report Progress; but he saw no particular objection to producing the cat. At the same time, he was bound to say he did not think those hon. Gentlemen who had made such a stir in the matter would stand any higher in the opinion of their fellow-countrymen for common sense than they did before.

MAJOR NOLAN thought nothing would be more ridiculous than to continue this discussion until 9 o'clock in the morning, and nothing could be more simply and easy than to bring down the cats and leave them at the House for inspection. He had seen cats before, and there was nothing very wonderful about them, except that they were rather severe instruments; and he thought it better that those who had not seen them should see them before they went any further with the Bill.

MR. CHAMBERLAIN also appealed to the Government to report Progress. He wished to say nothing that could possibly be construed as a menace to the Committee; but no important progress would be made as long as these discussions were continued. The right hon. and gallant Gentleman the Secretary of State for War was mistaken, if he thought this clause would require no further serious consideration after the point at present before the Committee was disposed of.

MR. CALLAN wished to know whether there was any right to stop a Member from speaking in that House?

THE CHAIRMAN pointed out to the hon. Member that if he challenged the decision of the Chair he ought to take a proper opportunity for bringing forward the question.

COLONEL STANLEY did not wish that there should be any misconception about the matter. The hon. Member for Birmingham (Mr. Chamberlain) had given Notice of an Amendment that in military prisons there should not be any more severe regulations as to corporal punishment than in other prisons. The

Government had fully assented to that; and at an earlier stage of the Bill his right hon. Friend had stated that they desired to make the rules for as many military prisons as there were in the United Kingdom.

MR. CHAMBERLAIN said, that he quite understood that rules were to be made; but there was nothing to prevent flogging being inflicted in military prisons on the same occasions on which it could be used in civil prisons, and the rules allowed it to be used on very trifling occasions.

MR. PARNELL said, that they had been sitting there 11 hours—since 4 o'clock in the afternoon—and a very important debate would take place that day upon the agricultural question; and he thought that, under those circumstances, as they had really made fair progress, it would not be asking too much if they requested the Government then to allow them to report Progress. They had got through nine clauses of a very important character.

COLONEL STANLEY said, that the hon. Gentleman had used one argument that had a good deal of force in it—that the Committee had been 11 hours upon the Bill. Out of consideration to his hon. and right hon. Friends, and other persons in the House, he thought it was only fair that they should then adjourn.

Motion agreed to.

House resumed.

Committee report Progress.

THE CHANCELLOR OF THE EXCHEQUER moved that the House should sit at 1 o'clock on Saturday next for the purpose of proceeding with this Bill.

Motion made, and Question proposed, "That this House will resolve itself into the said Committee on Saturday, at One of the clock."—(*Mr. Chancellor of the Exchequer.*)

MR. PARNELL thought that that was a proper occasion for discussing the question as to the time of the Sitting of the House on Saturday. As hon. Members were aware, the funeral of Lord Lawrence would take place on Saturday morning; and as so many Members of the House desired to attend it, the matter became one of considerable importance. The funeral was arranged to take place at half-past 12, and he did not see

how hon. Members who wished to attend the funeral could return to the House in time for the Sitting at 1 o'clock. As it would be impossible for hon. Members to be present both in Westminster Abbey and in the House, he should move, as an Amendment, that the House should assemble at 4 o'clock instead of 1.

MR. BIGGAR seconded the Amendment, and, in doing so, he expressed his opinion that it was unfair of the Government to ask them to meet at 1 o'clock on Saturday. It did not make any practical difference to himself; but to hon. Members who proposed to attend the funeral of Lord Lawrence a Sitting at 1 o'clock would be most inconvenient.

Amendment proposed, to leave out the word "One," and insert the word "Four."—(*Mr. Parnell.*)

Question proposed, "That the word 'One' stand part of the Question."

MR. MUNDELLA thought that the Government could hardly expect them to be in their places at 1 o'clock, when the funeral only took place at half-past 12. At the same time, a Sitting at 4 o'clock would defeat the object of the House in having the Morning Sitting. He was sure that the right hon. Gentleman the Chancellor of the Exchequer desired that they should not be wanting in respect to the great man who would be interred that day. If the House met at 2, it appeared to him that the difficulty would be well met, and hon. Members would be enabled to attend the funeral, and yet be in their places at the Sitting of the House. He should, therefore, ask that the Sitting should take place at 2 instead of 1.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

THE CHANCELLOR OF THE EXCHEQUER said, that, of course, he did not wish the Sitting of the House to prevent hon. Members attending the funeral of the late highly-respected Lord Lawrence; but it must be borne in mind that if the Sitting of the House were commenced at a much later period than he had named it would be a great inconvenience to hon. Members and to the Business of the House. He thought, under the circumstances, the best pro-

posal to make would be that the House should sit at half-past 1.

MR. PARNELL did not wish to put the House to the trouble of dividing upon his Amendment; but he hoped that the Chancellor of the Exchequer would say 2 o'clock instead of half-past 1.

MR. ASSHETON CROSS: If the hon. Member will withdraw his Amendment, my right hon. Friend the Chancellor of the Exchequer will move to make the time of the Sitting half-past 1.

MR. PARNELL consented to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. BIGGAR said, if he was in Order, he begged to move that 2 o'clock should be the time of Sitting, instead of 1.

Original Motion, by leave, *withdrawn*.

Resolved, That this House will resolve itself into the said Committee on Saturday, at half-after One of the clock.

INCLOSURE PROVISIONAL ORDER (MALTBY LANDS) BILL—[BILL 173.]

(*Sir Matthew Ridley, Mr. Secretary Cross.*)

SECOND READING.

Order for Second Reading read.

MR. MUNDELLA appealed to the Government to allow the Order for the second reading of this Bill to be discharged. In his opinion, the hon Baronet who had charge of the Bill had done his duty very fairly by it; but it was clear, at that period of the Session, it could not go through the House; and he, therefore, thought that the proper course would be to discharge the Order. He should move that the Order be discharged.

MR. SPEAKER pointed out that it was unusual to move to discharge an Order without Notice, except upon the Motion of a Member in charge of the Bill.

SIR MATTHEW WHITE RIDLEY had no objection to the discharge of the Order. The Government, he might say, was in no way responsible with respect to these Inclosure Bills, except so far as it was their duty to bring them before the House and to endeavour to procure an opportunity for discussion. As to this

The Chancellor of the Exchequer

Bill, the Standing Orders of the other House prevented its passing, unless it reached a second reading there by the 16th of June; and, under these circumstances, and there being opposition to it in this House, which was not likely to be removed, there could be no harm in the Motion that the Order be discharged.

Order discharged: Bill *withdrawn*.

CHILDREN'S DANGEROUS PERFORMANCES BILL—[Lords]—[BILL 229.]

(*Mr. Evelyn Ashley.*)

COMMITTEE.

Order for Committee read.

MR. COURTNEY said, that he should not oppose the Motion to go into Committee upon the Bill; but he hoped that his hon. Friend in charge of the Bill would agree to report Progress as soon as they had gone into Committee. The 3rd clause of the Bill seemed to him to be of very doubtful value, and proposed to give a peculiar summary jurisdiction. As the Bill evidently required discussion, which could not take place at that time, he thought the proper course would be to take the Committee only *pro forma*.

Bill considered in Committee; Committee report Progress; to sit again upon Monday next.

House adjourned at half after
Three o'clock.

HOUSE OF LORDS.

Friday, 4th July, 1879.

MINUTES.]—PUBLIC BILLS—Committee—Report—Local Government Provisional Order (Artizans and Labourers Dwellings) * (102). Report—Gas and Water Provisional Order Confirmation * (101). Third Reading—Salmon Fishery Law Amendment (No. 2) * (126), and passed.

SOUTH AFRICA — THE ZULU WAR—OVERTURES OF PEACE.—QUESTION.

THE EARL OF KIMBERLEY asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have received any information

with reference to overtures of peace reported to have been made by Cetywayo; and, if so, whether he could state if Sir Bartle Frere and Lord Chelmsford were in possession of such instructions as would enable them to conclude terms of peace?

EARL CADOGAN said that, so far as the Government could judge, no actual or definite overtures of peace had been made by Cetywayo. The latest intelligence they had received on the subject was contained in a telegram forwarded by Lord Chelmsford to Sir Bartle Frere on the 6th of June, a copy of which was received at the Colonial Office on Thursday, which, with the permission of their Lordships, he would read. It had been forwarded in a despatch from Sir Bartle Frere, dated June 9, and was in these terms—

“From Lord Chelmsford to Sir Bartle Frere, June 6.

“Cetywayo's messengers left to-day with following message:—‘He must at once give proof of being in earnest in desiring peace. Proof to be—

“‘1. Two 7-pounder guns and the oxen now with him, taken from us, to be sent in with the ambassadors.

“‘2. A promise from Cetywayo that all the arms taken during war, &c., when collected, shall be given up.

“‘3. One regiment to come to my camp, and lay down its arms as a sign of submission.’

“Pending Cetywayo's answer, there will be no military operations on our part. When he has complied with them, I will order cessation of hostilities, pending discussion of final terms of peace.”

With regard to the second Question put by his noble Friend—namely, whether Sir Bartle Frere and Lord Chelmsford were in possession of Instructions which would enable them to conclude terms of peace—he could only repeat the answer he gave to a similar Question a few weeks ago. It was that the despatch of the 20th of March, written by the Secretary of State, contained in the earlier paragraphs a statement of the basis upon which peace was to be negotiated, and that it concluded with the expression of a desire that Sir Bartle Frere would not commit himself to any decided step, or commit us to any positive conclusion in respect of these questions until he had received Instructions from Her Majesty's Government. He also stated, on the same occasion, that he understood the purport of that despatch to be that Sir Bartle Frere would be en-

titled to commence negotiations for peace, but not to conclude them without first consulting the Government. That view was shared by his right hon. Friend the Secretary of State for the Colonies, who wrote the despatch, and he hoped that it would be considered as borne out by the telegram which he had just read.

Before he sat down, he might mention that a telegram received to-day stated that the *Orontes* arrived at Madeira at 6 o'clock that morning.

EARL GRANVILLE said, that with regard to the last Question—as to the Instructions given to the Commander-in-Chief and Sir Bartle Frere—he thought the noble Earl stated on the occasion to which he had referred that it would be impossible for Her Majesty's Government to give Instructions to Sir Bartle Frere and Lord Chelmsford at that time, because they were waiting for a reply from Sir Bartle Frere.

EARL CADOGAN: Further Instructions.

EARL GRANVILLE: Further Instructions, if they should appear to be necessary. He pointed out at the time the inconvenience which, he thought, might arise, and the noble Earl was good enough to refer to the Papers. Whether that inconvenience had arisen he did not know.

EARL CADOGAN reminded the noble Earl that in the passage to which he referred the words “as far as possible” occurred.

EARL GRANVILLE asked if there was a despatch?

EARL CADOGAN said, there was a despatch accompanying the telegram he had just read.

THE EARL OF KIMBERLEY presumed that the despatch to which the noble Earl now alluded did not refer to the despatch of the 20th of March. Had Sir Bartle Frere yet sent an answer to the despatch of the 20th of March?

EARL CADOGAN: No; simple acknowledgment of receipt.

LORD TRURO asked, whether it was true, as reported in the public journals, that Cetywayo had asked definitely whether the people would be allowed to gather in their crops?

EARL CADOGAN said, he had already given the House all the information the Colonial Office had received on the subject of Cetywayo's requests.

LEONARD EDMUNDS.

MOTION FOR A SELECT COMMITTEE.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) rose to move—

“That a Select Committee be appointed to inquire into the proceedings taken upon an order of reference made by the Court of Common Pleas on the 26th of June, 1869, in an action entitled ‘Edmunds v. Greenwood,’ and in relation to the award of the arbitrators under the said order of reference.”

The noble Earl, in giving a summary of the proceedings into which he proposed the Committee should inquire, said, that Mr. Edmunds was, from 1848 to 1865, Reading Clerk in the House of Lords, and discharged the duties of that office in an unexceptionable manner. Mr. Edmunds at the same time held two other offices—that of Clerk of the Patents and that of Clerk to the Commissioners of Patents. In the year 1864 great confusion prevailed in the Patent Office, and in consequence of great complaints against the conduct of Mr. Edmunds an inquiry was directed. On the 12th July, 1864, the gentlemen intrusted with the inquiry made a preliminary Report; and in consequence of that Report, on the application of the Lord Chancellor, Mr. Edmunds surrendered his combined offices of Clerk of the Patents and Clerk of the Commissioners of Patents. A further Report was made in January, 1865, in which it was stated that Mr. Edmunds was indebted to the public in the sum of £9,100. Mr. Edmunds was induced to resign his place as Reading Clerk, the Lord Chancellor undertaking “to throw no obstacle in the way of his pension.” This pension was granted; but was withdrawn on the 9th May following, in consequence of the Report of a Committee that had been appointed to inquire into the circumstances connected with Mr. Edmunds’ resignation of his various offices. On this occasion Mr. Edmunds asked to be allowed counsel, which the Committee granted only on condition that he should neither examine witnesses or address the Committee. On the 8th February, 1866, a Bill was introduced into Parliament to consolidate the Exchequer and Audit Departments, and to provide for the examination of all public accounts by that Department when required by the Treasury. In introducing

this Bill special reference was made to the case of Mr. Edmunds, through which, as was stated, it had become known to Parliament that many branches of the public receipt and expenditure were not subject to audit. In May, 1866, after the Bill had passed the Commons, an information was filed in the Court of Chancery by the Attorney General v. Edmunds. This proceeding could only have been taken in order to prevent the accounts of the Patent Office being referred by the Treasury to the Audit Office according to the provisions of the statute. Those who had prepared the Report which had led to the resignation of his offices, and the finding of the Lords’ Committee, not liking to have their accounts so tested—not only was that not done, but though Mr. Edmunds had repeatedly applied for the statutory audit of his accounts, he had never yet been able to obtain that audit. The Treasury case against Mr. Edmunds was not decided in Court until the 3rd June, 1868. On that occasion Vice Chancellor Giffard delivered himself very strongly in Mr. Edmunds’ favour, going so far as to say, at the opening of his judgment—

“In one respect I am happy to say that the arguments and the evidence adduced on behalf of Mr. Edmunds have been successful, I think, in clearing his character from all imputation. They have satisfied me that his liability, whatever it may be, is a liability from mistake—mistake under circumstances of very considerable difficulty, brought about in some respect because he could not obtain the audits which he asked for, I think, in 1834 and subsequently in 1852 or 1853, and brought about also by what is a most unfortunate Act of Parliament, which was passed with reference to a given state of circumstances, when, in point of fact, those circumstances changed very materially afterwards.”

He said that “it was with regret that he found himself compelled by the terms of the Act of Parliament” to declare that Mr. Edmunds had no right to make any deduction from the fee of £6 8s. 4d. received in the office for or in respect of the parchments used—in regard to which proceeding the Committee of the House of Lords acquitted him; and he stated that Mr. Edmunds had no right to take discount on stamps, if such stamps had been purchased with public money, which they had not been; and he directed that an account be taken of all fees and monies received by the Clerk of the Patents during his tenure

of office; that in taking such accounts all just allowances were to be made, and that in case of any settled account the same was not to be disturbed. In February, 1869, Mr. Edmunds brought a private action for libel against Mr. Greenwood, who had been one of the two gentlemen appointed by the Treasury to inquire into the case; but after consultation between the parties before trial an arbitration was agreed upon, which should include all matters in question between Mr. Edmunds and the Crown, including the questions pending in the Chancery suit. Mr. Justice Bovill drew up the order of reference, and appointed Mr. Denman, now Mr. Justice Denman, and Mr. Pollock, now Baron Pollock, to be arbitrators. He directed that Mr. Edmunds' accounts ordered by Vice Chancellor Giffard to be "taken by the chief clerk" of his court should instead be "taken and adjusted before the arbitrators," and that all matters in question in the said suit not already concluded by the said decree be brought before the arbitrators; that in the case of any money being found due by Mr. Edmunds, in taking the accounts, the arbitrators should take into consideration—

"Whether there are, having regard to all the circumstances, any moral grounds for recommending the Government to relieve Mr. Edmunds from payment of all or any part of the same."

On 27th November, 1869, the arbitrators issued their award. Against this award Mr. Edmunds protested—on the grounds that it was not satisfactory, because as he had never succeeded in obtaining an audit of his accounts of the Patent Office, the arbitrators had not the proper material whereon to decide in respect of the charges brought against him, or the allowances Mr. Edmunds claimed. But though, no doubt, the final award found Mr. Edmunds indebted to the Crown, there was nothing in that award which reversed Vice Chancellor Giffard's decision as to Mr. Edmunds' moral character. Many of the more important papers connected with the inquiry and the award had been destroyed. No certified copy of the award was to be found in the Treasury or in any Law Court. No doubt the Treasury took up the award; but they admitted that they had not preserved it. In 1872 the Treasury produced to an Order of the House of Commons a Copy of a

Paper purporting to be a Minute of Treasury relating to this matter, which had been published in *The Times*, and was of so libellous a character that Mr. Edmunds brought an action against Mr. Gladstone, whose initials were appended to it. He was then thrown into prison, and kept there until his solicitor, who he had ordered to put off the suit, had been induced to withdraw it. The contents of the award were known to Parliament only from unauthorized sources, and it was only within the last few days that he (the Earl of Redesdale) had discovered that a short-hand writer was employed by the Treasury in the case, and that he had furnished a copy of his notes to the Treasury; and it was desirable that these should be examined. He could not but consider it very hard and unprecedented that a public servant should be denied the audit of his accounts in the manner provided by statute; and especially since, upon an application made by Mr. Edmunds to the Court of Queen's Bench to order such audit, the Chief Justice, though unable to make such order as beyond the power of the Court, expressed a strong opinion that he was entitled to it. The granting an audit could do no harm, and was the only effectual means by which he could re-establish his character, impaired by the result of an inquiry conducted in an irregular manner, and founded on insufficient materials—and especially since Vice Chancellor Giffard, deciding on the case, had declared that no moral blame rested upon him, and other Judges had declared that they considered it ought to be granted. In respect of his performance of his duties in that House there never had been a more efficient officer than Mr. Edmunds; and since he had been deprived of his pension for his services in their Lordships' House in consequence of proceedings taken against him in respect of alleged misconduct in another office, in respect of which the Judge had declared that no moral imputation rested on his character, he had again brought the subject before their Lordships. It was for these reasons that he hoped the House of Lords would grant a Committee to inquire into the circumstances connected with the award, in order that explanations might be given relating to certain findings contained therein, and that the House

might be able to determine whether, under the circumstances of the case, it was or was not desirable to restore to Mr. Edmunds his pension for his services in that House.

Moved, That a Select Committee be appointed to inquire into the proceedings taken upon an order of reference made by the Court of Common Pleas on the 28th June 1869 in an action entitled "Edmunds v. Greenwood," and in relation to the award of the arbitrators under the said order of reference.—(*The Earl of Redesdale.*)

THE LORD CHANCELLOR said, this was the fifth or sixth time the case of Mr. Edmunds had been before their Lordships' House; but it was bound to admit that, on the present occasion, his noble Friend (the Earl of Redesdale) had introduced two novelties. His noble Friend, the pattern and model of a Member of their Lordships' House, with the Parliamentary Papers delivered to their Lordships that morning, had circulated a document in which they had had the pleasure and advantage of reading the whole of the arguments which his noble Friend brought forward that evening in support of his Motion. If that practice was to be followed, there would be no necessity for their Lordships to assemble until much later than 5 o'clock, because they would come down to the House with all the arguments for and against every proposition which was to be brought before them. Again, the Session before last a noble Earl (the Earl of Rosebery) presented a Petition from Mr. Edmunds, which, when it came to be examined, was found to be filled with statements of the most scandalous and scurrilous description, affecting the character of public men living and dead. On that being pointed out to the noble Earl, he expressed his regret that the Petition had been presented to the House through him, and it was removed from the Table. Well, lately his noble Friend (the Earl of Redesdale), whom he regarded as the depository of the Rules of the House, moved for a Paper sent in to the Treasury by Mr. Edmunds. That Motion was agreed to; and the result was the production as a Parliamentary Paper of a document of 87 pages, printed at the public expense, and not a page—hardly a sentence—hardly a line of which was not scandalous, scurrilous, and libellous. It was so in respect of Members of their Lordships' House and

of persons who were now in their grave; and, as an Appendix, it contained that very Petition which had been removed from the Table of their Lordships' House. He deeply regretted to say a word against a gentleman who had been an officer of their Lordships' House, and whose errors he believed to be due more to carelessness than to moral obliquity. The noble and learned Earl, having gone through the history of the case, said that it would appear from the details that every consideration had been shown throughout to Mr. Edmunds. With regard to the arbitration, the noble and learned Earl said it had been instituted with the consent and at the solicitation of Mr. Edmunds himself. Mr. Edmunds named Mr. Pollock, now Baron Pollock; and the Treasury, Mr. Denman, now Justice Denman, as arbitrators. Those arbitrators, so eminent in their Profession, after due inquiry, found that there was legally due by Mr. Edmunds to the Crown a sum of £8,500, and that after all deductions on moral grounds, he owed the Crown a sum of £7,142. The arbitrators had agreed to the award without its being necessary to refer to the umpire a single point. Mr. Edmunds had been worrying the public officers and causing great trouble and expense for many years past, and it was quite time that such proceedings should be stopped. When the award was made and a sum was found to be due from Mr. Edmunds, the comparatively mild course was adopted of simply stating what had been found by the arbitrators and asking for the money. Mr. Edmunds had even then an opportunity of saying anything he had to say against the award. The Government had throughout acted in a spirit of the utmost forbearance towards Mr. Edmunds, with whom there was a certain degree of sympathy, inasmuch as his fault seemed to have arisen rather from carelessness than from moral obliquity. The noble and learned Earl concluded by strongly opposing the Motion for the appointment of a Committee to undo the solemn legal judgment that had been pronounced. He thought his noble Friend could hardly have considered what was the real effect of the Motion he was asking their Lordships to agree to.

THE EARL OF CAMPERDOWN said, he was in favour of the noble Earl's

The Earl of Redesdale

Motion for the appointment of a Select Committee. Of all painful and disagreeable subjects for consideration, personal questions were the most disagreeable. The case of Mr. Edmunds had been discussed more than once or twice in that House, and he had always entertained the uncomfortable feeling that justice had not been done to Mr. Edmunds. Considering that Mr. Edmunds was once an old officer of that House, and that other officials were concerned in these matters, it was necessary that there should not be a shadow of cause for a suspicion that Mr. Edmunds had been treated with injustice. In his belief, the worst enemy of Mr. Edmunds had been Mr. Edmunds himself. If he had not adopted the proceedings which he most unfortunately had done, his case would have been considered in a different spirit from that in which it had been; but he (the Earl of Camperdown) submitted that in a case like this, where moral delinquency was not imputed, the claim of Mr. Edmunds, that his accounts should be audited, ought to be granted. The Papers showed the course of the legal proceedings; but it was quite sufficient for their Lordships to remember only this—that Mr. Edmunds was once an officer of that House, and for 30 years Clerk of the Patents; and that if Mr. Edmunds failed to make the affidavit which he ought to have made in reference to his accounts, it might be said that the Treasury failed to ask for it. It was a question not between the Government and Mr. Edmunds, but between an accountant to the Crown and the Exchequer; and was it right that the Crown should, after 30 years of negligence, turn round and call for these accounts? He submitted that every public accountant should have his accounts audited by the Accountant General regularly. But the question before their Lordships was in respect of the arbitration, and that House had a right to see that all the proceedings which had taken place were correct, because Mr. Edmunds was an old officer of that House, and because that House had taken away the pension which, but for these transactions, he would now enjoy. The pecuniary award had gone against Mr. Edmunds, but there was nothing in the Papers against his moral character, and what they had to do was to see whether that pension should or

should not be restored to him; therefore, he contended that a Committee should be appointed to consider the whole matter. He supported the Motion, not because he thought that Mr. Edmunds was not in the wrong, but because he wished that no suspicion of injustice should remain on the public mind.

EARL GRANVILLE said, that the case had been completely disposed of in three speeches—that which they had just heard from the Woolsack, and in two delivered on separate occasions by Lord Selborne. He did not think that more could be done to do justice in the case than had been done; he wished, however, as one of the few survivors of the Committee of 1865, to mention that it was an unusually strong Committee, and that it included, among others, the Duke of Somerset, the late Lord Derby, the late Lord Chelmsford, the late Duke of Montrose, Lord Malmesbury, the late Lord Panmure, and the late Lord Stanley of Alderley. None of these Peers had the slightest prejudice against Mr. Leonard Edmunds—who were acquaintances, some intimate friends of his. Lord Derby was, at first, a strong advocate for Mr. Leonard Edmunds, cross-examining the official witnesses with much severity; but after two or three days he gave it up. It was Lord Chelmsford who drafted the Report of the Committee. No one could be more anxious than himself that the servants of the House should not be treated with injustice; but he did not think it would be to the credit of the House that, after a lapse of 14 years, a Committee should be appointed to reopen the subject.

LORD STANLEY OF ALDERLEY was understood to say that, in his opinion, Mr. Edmunds had been treated harshly and unjustly. He was entitled to an audit, or if the Government of the day thought he was guilty, they should have prosecuted him—it was a satisfaction to him (Lord Stanley of Alderley) to find that on that point he was in agreement with his father, for one of the questions which he had put as a Member of the Committee to Sir Roundell Palmer was in that sense. He would support the noble Earl's Motion.

On Question? *Resolved in the Negative.*

my name, I should like to explain why I have thought it right to trouble the Chancellor of the Exchequer with an inquiry upon the matter. I do so on the part of many friends and followers of the late Lord Lawrence, who wish to pay a tribute of respect to the memory of the distinguished public man, but do not know how they are to do so. They are told by the newspapers that admission to the funeral will be by ticket. ["Order!"] This is an important matter, and I hope the House will allow me to explain the Question. I put it in a formal way, because I think it very desirable that a public announcement should be made in the matter. My Question is as follows:—To ask Mr. Chancellor of the Exchequer, If he can be so good as to inform the House what are the arrangements for the funeral of the late Lord Lawrence in Westminster Abbey on Saturday, so that Members of Parliament and others wishing to attend may have an opportunity of doing so?

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, I hardly expected that this Question would have been asked after the information that has been communicated to the House through your kindness. I must remind the hon. Gentleman and the House that the funeral of Lord Lawrence is not a public funeral, and that the Government are in no way responsible for the arrangements. Those arrangements are made by the Dean of Westminster, and any information that is desired should be sought from the Dean. It would be conveying a false impression, if I were to attempt to answer any Question on the subject. All that can be said is that, in consequence of the information that has been sought by you, Sir, we are told that seats will be provided for Members of this House who may wish to attend on their presenting their cards at the door. That is mentioned in the notice.

SIR GEORGE CAMPBELL said, unfortunately, he did not see the notice which the Speaker had been good enough to put up. Had he done so, probably he should not have asked the Question.

EGYPT—THE PAPERS.—QUESTION.

SIR JULIAN GOLDSMID asked the Under Secretary of State for Foreign Affairs, When he will lay upon the Table of the House the Despatches from

the Secretary of State for Foreign Affairs to Sir A. H. Layard and from Sir A. H. Layard to the Secretary of State for Foreign Affairs which have reference to recent events in Egypt, and any Communications addressed to or received from the Porte on the same subject; and, when the Correspondence relating to the dismissal of Nubar Pasha and the so-called European Ministers of the Khedive, and other Papers, bearing date between the 1st of January and the 25th of April, with regard to Egyptian affairs, will be in the hands of Members?

MR. BOURKE: Sir, the first part of the Question refers to recent events. If the hon. Baronet means the deposition of the Khedive, I have to tell him that the Correspondence on that subject is still going on. Therefore, it will be impossible for me at this moment to present more Papers than have already been presented to the House. With regard to the second part of the Question, I told the hon. Baronet yesterday that Papers are in preparation in continuance of the Papers presented some time ago going down to the end of the year. Papers are in preparation with respect to the whole question of Egypt, and also with respect to the Correspondence relating to the dismissal of Nubar Pasha. All these Papers will be found in the series now being prepared, and they will reach down, I think, to the middle of May. They will be presented without delay.

RAILWAY COMMISSION—CONTINUANCE.—QUESTIONS.

MR. A. MILLS asked the President of the Board of Trade, When the Bill continuing the powers of the Commissioners appointed under "The Regulation of Railways Act, 1873," will be introduced; and, whether it will take the form of a mere Continuance Bill, or embrace other matters not provided for in statutes 36 and 37 Vic. c. 43?

MR. J. G. TALBOT: Sir, I fear it is impossible for me, in the present state of Public Business, to inform my hon. Friend when the Bill for the continuance of the Railway Commission will be introduced; and, that being so, I am sure he will not expect me to state what its provisions will be.

MR. A. MILLS asked if it would be a Continuance Bill?

Sir George Campbell

Mr. J. G. TALBOT: The powers of the Commissioners will be continued, but whether in the form of a mere Continuance Bill or in another form I am at present unable to say.

**METALLIC CURRENCY AND TRADE—
A ROYAL COMMISSION.—QUESTION.**

Mr. SAMPSON LLOYD asked Mr. Chancellor of the Exchequer, Whether Her Majesty's Government have received a Memorial, signed by a considerable number of the most influential mercantile houses in the City, praying for an inquiry by Royal Commission into the results on trade from the contraction in the metallic money of the world; and, whether he can hold out any hope that the prayer of the Memorial will be complied with?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that a Memorial signed by a large number of the most influential commercial houses in the City had been presented to the Prime Minister a short time ago, praying for a Royal Commission to inquire into the results to trade from the contraction in the metallic money of the world. His noble Friend the Prime Minister had given the Memorial his attention, and proposed to bring the matter under the notice of his Colleagues; but the proposal was one which involved important considerations, and he could not at the present moment give any indication of the view the Government would take upon it.

**ARMY DISCIPLINE AND REGULATION
BILL—THE CAT-O'-NINE-TAILS.**

QUESTIONS. EXPLANATIONS.

Mr. CALLAN asked Mr. Chancellor of the Exchequer, Whether, previous to the further consideration of the Army Discipline and Regulation Bill, he will have any objection to make the necessary arrangement to have the specimen cat-o'-nine-tails for use in the Navy, the sealed cat-o'-nine-tails stated to be the specimen for use in the Marine service, and now also at the office of the Admiralty, the cat-o'-nine-tails in actual use on board H.M.S. "Duke of Wellington," now also at the office of the Admiralty, and the prison cat used for criminals deposited in some convenient place in this House for the inspection

of Members? He also wished to ask the right hon. Gentleman a Question, of which, he was sorry to say, he had not had time to give him even private Notice—namely, Where the cats can be inspected, as they appear to have departed from the Admiralty?

THE CHANCELLOR OF THE EXCHEQUER: Sir, With regard to the various specimens of the cat-o'-nine-tails, they have always been, as I understand, open to the inspection of Members of this House who might desire to inspect them. They have been kept at the proper offices, and there has been no indisposition on the part of Heads of Departments to allow any Member of this House to inspect them on his wishing to do so. It would be extremely inconvenient, and, I think, open to serious objection, that these implements should be brought down and placed in a position where they would be open to the public at large, or where there would be any such inspection of them as there might be if they were placed in the more open part of this House. On the other hand, there is no desire on the part of the Government to put Members to the unnecessary inconvenience of going to different offices at some distance from this House; and there will not be the slightest objection to place the cats in such a place as will be convenient for their inspection by Members, but only by Members, of this House. If, therefore, an arrangement can be made by which they will be placed under the custody of the Serjeant-at-Arms, there could be no objection to that arrangement.

Mr. W. H. SMITH: Sir, I wish to make a short personal explanation, and to apologize to the hon. Member for Dundalk (Mr. Callan) for contradicting him yesterday on a question of fact as to the existence of what is called the "Marine cat." The hon. Gentleman visited the Admiralty at a time when I was not aware of his visit, and I was not aware of the circumstances of it. There is an instrument, as I have since ascertained, which can be called a "Marine cat;" but I should have misled the House, and been guilty of creating a much more false impression, if I had allowed the House to understand that that cat was used on board Her Majesty's ships for the corporal punishment of Marines. That is not the case. The

"Marine cat" which the hon. Gentleman saw is one which is identical with the Army cat, and it is used for Marines, under the provisions of the Marine Mutiny Act, when they become liable to corporal punishment when on service on shore. These circumstances are so extremely rare that I was not aware of the fact when I spoke on the subject; but, as I stated to the House yesterday, the cat which is used on board ship is a cat which was approved by my right hon. Predecessor, which the hon. Gentleman saw, and which is used alike for the seamen and Marines of the Fleet, in cases of necessity, under the Naval Discipline Act. The hon. Gentleman referred to a cat which came from Her Majesty's ship the *Duke of Wellington*, at Portsmouth. That cat will be produced with the others, but I have ascertained from Portsmouth that it is a relic, and has never been used at all. I make this statement for the information of the House, and I regret that I was not in a position yesterday to give it.

MR. CALLAN: I accept, unreservedly, the explanation given by the right hon. Gentleman. I felt deeply pained last night when we came into conflict, and the explanation which he has now given is such as I then expected he would give. His statement bears out fully the extreme accuracy of the statement I made last night.

MR. CHAMBERLAIN: With reference to the statement which has just been made by the First Lord of the Admiralty, in which he said that the Marine cat is the same cat as that used in the Army, and in reference, also, to the statement made last night by the hon. Member for Dundalk (Mr. Callan), that this cat had knots in it, I wish to ask if it is not the fact that the Army cat has also knots in it?

COLONEL STANLEY: I think I ought to answer that Question. As far as I am aware, there is some doubt as to whether there is a sealed pattern or not. The cat, as far as I am aware, is similar to that in use in the Navy. It is difficult to say whether there is a sealed pattern or not.

MR. CHAMBERLAIN: Has it knots in it? On a former occasion the right hon. and gallant Gentleman stated that the Army cat had no knots.

COLONEL STANLEY: Yes; it has.

Mr. W. H. Smith

MR. CALLAN: The cat which I described to the Committee last night was a cat-o'-nine-tails, each with nine knots in it. [*Cries of "Order!"*] Well, if I am not permitted to go on, I shall move the adjournment of the House.

MR. SPEAKER: If the hon. Gentleman wishes to move the adjournment of the House, of course, he is in Order. At the same time, I wish to say that any reference to the proceedings of the Committee yesterday is clearly out of Order.

MR. CALLAN: I wish to make no reference to what occurred yesterday; I simply desire to answer the Question of the hon. Member for Birmingham. If I am allowed to do so without a Motion, I will do so; but if I am to be interrupted by hon. Members opposite, then I will move the adjournment of the House. The cat which I inspected at the Admiralty consisted of three plaits for about six inches. It then developes itself into nine tails, and on each of these tails there are knots—I think nine; I am not quite certain of the exact number—but they are severe knots of whipcord. The cat bears this inscription, which I took down from an Admiralty paper—

"Sealed pattern cat-o'-nine-tails, approved by the First Lord of the Admiralty on the 7th of December, 1877.—Signed, Royal Marine-office, 10th December, 1877.—G. W. ROXBAY, D.A.G."

—which I took to be Deputy Adjutant General.

LAW AND JUSTICE — BRIDPORT COUNTY COURT—MR. LEFROY.

QUESTION.

MR. SULLIVAN asked the Secretary of State for the Home Department, If his attention has been called to the newspaper reports of certain observations and proceedings on the part of Mr. Lefroy, County Court Judge at Bridport, June Court; and, whether any inquiry into the truth of these grave circumstances has been ordered by the Lord Chancellor?

MR. ASSHETON CROSS, in reply, said, that he had not seen the observations in the newspapers with regard to Mr. Lefroy; but the Lord Chancellor told him that he had received a communication from some gentleman living in Dorset, containing newspaper cuttings reflecting on Mr. Lefroy, and asking his

Lordship to hold an inquiry; but the Lord Chancellor, on consideration, had declined.

ARMY—PAYMENTS BY REPLACED OFFICERS.

NOTICE OF QUESTION.

MAJOR O'GORMAN gave Notice that on Monday he would ask the Secretary of State for War, Whether a military officer who, from service abroad, has returned home on leave at his own expense, and has, in obedience to orders, served at the depôt, and from this duty is transferred by the Commander-in-Chief to a newly-formed battalion, and proceeds with that battalion to service in South Africa, is required to pay the passage of the officer who is appointed to replace him in his former corps?

COLONEL STANLEY: Would the hon. and gallant Gentleman communicate to me the name of the officer, and I shall endeavour to trace the case?

MAJOR O'GORMAN: Certainly.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

AGRICULTURAL DEPRESSION.

MOTION FOR AN ADDRESS.

MR. CHAPLIN, in rising to move—

"That an humble Address be presented to Her Majesty praying Her Majesty that She will be graciously pleased to appoint a Royal Commission to inquire into the depressed condition of the agricultural interest, and the causes to which it is owing; whether those causes are of a temporary or of a permanent character, and how far they have been created or can be remedied by legislation;"

said: Sir, I trust the House will find a sufficient apology for my intrusion upon its attention in the importance of the question I desire to submit to its notice; for there are few questions, I apprehend, of greater importance to the community, or of more national concern at the present moment, than the condition of the agricultural interest within the United Kingdom. That condition is, unhappily, one of extreme depression, and although, no doubt, it is true that periods of

similar distress have not been by any means unknown in this country on former occasions, yet there is reason now to believe that the severity of the existing distress, so far as the occupiers and owners of land are concerned, has rarely, if ever, been equalled, and, probably, never exceeded, at any time in this country before. Sir, I should not venture to make such a statement as this on my own experience or recollection; but that is the view entertained by men of the widest experience, and who have watched the course of public affairs in this country now for a great number of years. I am sure I need quote in support of this statement no higher authority than that of the present Prime Minister, who publicly said, only a short time ago—

"Although I can recall several periods of suffering, none of them have ever equalled the present in its intenseness."

It would be easy to multiply proofs on this point to any extent, and although I think it is improbable that either the fact or the character of the present depression will be seriously questioned or disputed in this House, as it has sometimes been outside these walls, the House, I am sure, will excuse me if I make one or two statements with regard to England, Scotland, and Ireland, which bear directly on this point. Let me take the case of Ireland first. Ireland is what may be termed an almost purely agricultural country, and, as such, is undoubtedly entitled to a foremost place in our consideration on any question of this nature. What is the case, then, Sir, with respect to Ireland? I am afraid that the long list of bankruptcies and failures is common to both countries; but we do not see in Ireland what we see to-day in England—farms lying vacant and advertised everywhere. That is prevented by the excessive and unhealthy competition for the land, which forms so prevailing and so unfortunate a feature in that country. I always thought myself, Sir, that the great blot upon the Irish Land Bill of 1870 was that it made no effort to alleviate, or in any way to deal with, that deep-rooted source of the misfortunes of Ireland. That it can be held accountable in any way for its creation I altogether deny. For that, Sir, I am afraid we must look to the selfish—the bitterly selfish—commercial policy of

England in former days, and in her dealings at that time, with, what then was not unlikely to have become, a great spread and great improvement of manufacturing industries in Ireland. But be that, Sir, as it may, the competition for the land in Ireland to-day unhappily does increase the difficulties and the hardships of the Irish tenant farmer when he is called upon, as he is called upon to-day, to contend with another kind of competition—namely, the unlimited importation of foreign food into his country, thereby diminishing, as I am told, the profits of his produce, sometimes by one-half, sometimes by more—by the whole of the rent he is called upon to pay. It requires no wizard to tell the Irish farmer who it is that receives the lion's share of the benefit from this imported food; and I must say, if I was an Irishman, in the presence of this great Irish agricultural distress, I should be tempted to exclaim—"Why are the interests of agricultural Ireland to be sacrificed to the interests of manufacturing England?" Again, let us look at the list of farms which are vacant and advertised everywhere to let in England—the outward and visible signs of a distress which is real and which is extreme, and the fruits of which we are witnessing to-day in the withdrawal of capital from a business which, apparently, is ceasing now to pay. What is the case, Sir, in Scotland? There, an unhappy combination of disastrous commercial failures, with a winter of unprecedented severity, has seriously and grievously affected the great sheep farmers of the Highlands, who are suffering with their brethren of the Lowlands, and these, like ourselves, are troubled by causes which, unhappily, are common to us both. Sir, that depression, unfortunately, is by no means confined to agriculture alone. We have passed, and we are passing still, through a period of general stagnation in commerce and in trade, causing everywhere widespread distress which, I am sure, commands the sympathy and the attention of us all in no degree less than the condition of agriculture itself. In fact, Sir, I myself should have included a reference to the depression of trade in the country in the terms of this Motion, but for two reasons. There are, as I think, many hon. Members far more competent than myself to deal with this

branch of the question; and I doubt whether any Commission could, within any reasonable time, be able to grapple with so enormous a question as would be presented by an inquiry into the condition of trade and of agriculture combined. At the same time, Sir, I should myself most cordially support any Motion for an inquiry into the condition of trade, such as that which is contained in an Amendment which I see placed on the Paper in the name of my hon. Friend the Member for Birkenhead, although it would, perhaps, be as well if I should at once state that I think the object he has in view would be better met by a Motion for a separate inquiry into this branch of the subject. Now, there are many persons I know who think that this unfortunate state of affairs is in a great measure owing to our persistence in a policy of what is called Free Trade without Reciprocity—a system by which we purchase, without any restriction, the goods of all other countries, and are not allowed, with similar freedom, to send ours again to them in return. And the remedy they would propose for this state of things would be a return in some form or kind to Protection. Well, I confess I should be sorry to rashly commit myself to that opinion to-night. Free Trade, I confess to myself, and probably also to others of my generation, has always presented itself as a question which, whether for good or for evil, was settled during the last generation with the deliberate sanction and approval of the nation; and certainly, therefore, I would not myself be prepared to hastily or too lightly discard that which has been for so long accepted as the universal decision and opinion of the country. At the same time, I cannot shut my eyes to the fact that while the assurances and predictions of Mr. Cobden and other distinguished men at that time have not been fulfilled, but have, on the other hand, in many respects, been proved by experience to be entirely and totally wrong, the circumstances of to-day have entirely altered from those under which Free Trade, at that time, was adopted. When, for instance, the dangers which might arise to this country if England alone, among nations, adopted Free Trade, were pointed out by its opponents, they were always met with the assurance, repeated by Mr. Cobden over and over again, that these dangers could

Mr. Chaplin

never arise, because all other countries, seeing the obvious benefits we should derive from Free Trade, would hasten to follow our example. I will ask the permission of the House to read one short extract from his works upon this point. Mr. Cobden said, on one great occasion—

“We have a principle established now which is eternal in its truth and universal in its application. It must be applied in all nations and throughout all time. If we are not mistaken in thinking our principles are true, be assured that these results will follow, and at no very distant time.”

Sir, I make no comment on that language, which is the language of Mr. Cobden, because comment is needless. As to the future effect to be produced on agriculture in England, among the arguments by which, at that time, Free Trade was supported and carried in England, one of its most distinguished advocates declared—these are his words—

“No country produced more corn than was necessary for its own wants; and there was nothing in the circumstances of any foreign nation which would make it a formidable rival in agriculture to this country.”

I cannot doubt, Sir—[“Name, name!”]—that that statement, at the time it was made, was strictly accurate and true, because it was made by a right hon. Gentleman who still sits in this House—the right hon. Member for Birmingham (Mr. John Bright). But what a marvellous contrast does it present to the facts and circumstances of which everyone is cognizant to-day. I ask hon. Members to look for a moment to the corn and meat producing countries to-day—the United States of America. I find there are in America 32,000,000 acres growing wheat and producing 420,000,000 bushels, as against 3,000,000 acres producing about, I believe, 90,000,000 bushels in our own country. Again, I find that there are in America 33,000,000 cattle, 38,000,000 sheep, and 34,000,000 pigs; as against 5,000,000 cattle, 28,000,000 sheep, and 2,000,000 pigs in Great Britain and Ireland. I think, after that, it must be admitted that there is no small or inconsiderable change in the circumstances of to-day, as compared with the circumstances of that time. I do not mention these things for the purpose of exciting a debate on the relative merits of Free Trade and Protection. I assure the

House that is not in the least the object or purpose I have in view. But I do it to show that really it is not to be wondered at, seeing how widely the promise and the performance have differed, if there should have arisen, in the minds of a good many people, doubts of the wisdom of our continuing longer in pursuit of a policy which, in reality, is not Free Trade at all, but only Free Trade under restrictions—and restrictions of which all the advantages go to the foreigner, and none of the benefit is received by ourselves. I do trust, therefore, that if these doubts and these opinions should find expression to-night, in the course of this debate, they will not be met, as they have already been met out of this House, by what I can only describe as intemperate and foolish abuse. They are the views and opinions of honest and conscientious men, who ought not to be told, as they have been told already, that they are only the fools, simpletons, and lunatics of the community. I do not, Sir, wish further to pursue that part of the question; and I will proceed, with the permission of the House, to the more immediate subject before us—namely, the causes of the present depression, and how far it is probable that they are of a passing or permanent character. Sir, the reality of the present distress has found its expression in various forms. One of them is what is called the Farmers' Alliance. Its programme is to be found in a circular lately issued, and its complaints are specified under eight different heads. I am sorry I have left it behind me; but I think I can state them from memory. I do not believe myself that if the whole of this programme were adopted in its entirety it would be found to afford anything like substantial relief from the evils with which we are surrounded and of which the farmers unhappily have to complain to-day; but, nevertheless, I wish for a moment to allude to some of the points in this programme. Now, what is the source of all our agricultural troubles? It is exceedingly simple, and it is this. The business of farming is, at present, apparently ceasing to pay. That is an exceedingly painful, and, of course, if prolonged, must be a disastrous position not only to the farmers and tenants, but to the whole country. But can it, in any way, fairly be traced to any one of the reasons implied in the

programme of the Farmers' Alliance? Is it because the tenant farmers are not represented in Parliament? That is the first allegation. I heartily wish I could think that it was, because then the remedy would be extremely easy. Tenant farmers would then have nothing to do but to return to this House Members who, according to the Farmers' Alliance, would represent them better than they are represented at present. I can only say, with the most perfect sincerity, judging from the specimens we have here already, and speaking myself as a landlord, we should hail with rejoicing the advent among us of men more practically acquainted with the business of farming; and the first result of such a state of things would be the speedy exposure of many of the crude and mistaken fallacies we hear recommended on the other side. What is the next point? Better security for the capital which is employed. Well, no one admits more freely than I do that it is essential to good cultivation. In fact, high farming cannot be conducted without that; and if it could be shown by experience that security could not be obtained without some compulsory measure of legislation, I would consent to it without hesitation. But what are the facts of the case? I declare I really do not know one single well-managed estate where it is wanting. I suppose there are some, or this complaint would not be made; but where it is the case, really the tenants must allow me to tell them there is no one to blame but themselves. With farms lying vacant all over England, if a tenant farmer cannot make satisfactory terms for himself, I am perfectly certain nobody else can. I can only say, from my own experience, that no tenant farmer in the County of Lincoln, which I represent, would ever dream for a moment of taking a farm upon terms by which he was deprived of either the benefits of the Agricultural Holdings Act or of the custom of the county, which is almost the same thing; and I do not understand why farmers in any other part of the country should do so. But, be that as it may, of one thing I am perfectly certain—that neither the absence of capital, nor the want of security for it, can in any way be held accountable for the present depression; and for this reason, which will be admitted to be conclusive, nowhere has

capital been more largely employed, and nowhere, it will be acknowledged by all, has security for it been more adequate than in that same County of Lincoln; and yet, I am sorry to say, nowhere is the distress more severe than it is in that county at present. The third point in this programme to which I would just allude for a moment is "greater freedom in the cultivation of the soil and the disposal of its produce." This, I must say, is very much a matter of detail on which I could not express my opinions fully without addressing the House at much greater length than I should be justified in doing. I may, however, state in general terms that this particular question is just one of those which must be settled by agreement between the landlord and the tenant when they first make their arrangements for the letting and the taking of the land. Personally, I am in favour of giving to tenants the utmost freedom of cultivation that is compatible with maintaining the condition of the land; but I do not believe that much permanent good is to be got by the tenant by means of a greater freedom of cultivation than this. If a tenant happened to be in sore stress, the most absolute freedom of cultivation might afford him a little temporary relief; but, generally speaking, my views on the subject are summed up in a few sentences of a letter which I received this morning. My correspondent says, among other things—

"My opinion is that, to encourage greater freedom in the cultivation of the soil and the disposal of its produce, is to give to the bad tenant what the good tenant does not desire or find it profitable to follow, and all the advantage which a bad tenant would reap from it would be at the expense and to the disadvantage of the land."

At the same time, although that is my general view, it is not a matter upon which I should be willing, or, perhaps, even able, to lay down any positive opinion. In these days landlords ought to be ready, in their own interest as well as for the interest of their tenants, to give every liberty that can be reasonably desired; but on this point I would much rather hear the opinions of my hon. Friend the Member for South Norfolk (Mr. Clare Read) and of the hon. Gentleman the Member for Forfarshire (Mr. J. W. Barclay), who will probably speak in the course of the evening, than

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I would express my own. Still, I am afraid there yet remain some other points in reference to which I must trouble the House with some observations. The first of these is the Law of Distress and Hypothec. These subjects were discussed at great length in this House not long ago, and a general opinion was expressed—an opinion with which I cordially agreed—that it is desirable to limit the operation of this particular law. Then, what shall I say as to the Game Laws and their reformation? As far as I am personally concerned, I care little as to the preservation of game as long as people will preserve foxes; but I cannot, for a moment, accept the view that the Game Laws are in any way responsible for the present distress in the agricultural parts of the country, for it is perfectly well known that those laws have existed for years in good as well as in bad times. The same remark applies to the other points in the programme of the Farmer's Alliance. While I gladly acknowledge the justice and propriety of most of the objects which the members of the Alliance have in view, and admit that they are objects which it is within the competence of the tenant farmers to obtain for themselves, I am not in a position to accept them as either affording any correct indication of the causes of the present distress, or as providing, even if the programme was adopted in its entirety, any real and substantial remedy for what has been so loudly complained of. No; we must look elsewhere than to the programme of the Farmers' Alliance for a description of the real causes of the present distress. Bad seasons, resulting in a bad yield of our produce and the bad prices we have received for that produce—I have said before, and I say again—are, in my opinion, the real and the sole causes of the present depression in agriculture of which we complain. We have been growing less corn and receiving less money for it, as well as for meat, and for wool, and for cheese, and for nearly all other farming commodities which you can mention, and the difference which this has made to the producers has been something enormous—not less, we are told, than £58,000,000 during the last season alone. That fact surely is, in itself, one which must afford matter for most serious reflection to hon. Members on both sides of the House.

We cannot control the course of the seasons; but with regard to the prices by which, as I think, agriculture has been so grievously and so severely affected, it is not, to my mind, perfectly clear to what they are owing, and how far it is probable they will be of a passing or a permanent character; and I say that we ought to be able to get, and are entitled to have, more information than we possess at present upon this point. Because, however distasteful it may be to some of the hon. Members who hear me, it is a fact none the less, which sooner or later we must all recognize, that upon the answer which we shall receive to this question the future of agriculture in the United Kingdom must, more or less, mainly depend. I am almost afraid that in alluding to prices, and especially when I complain, in the producers' point of view, of their being so low, I may be treading on delicate ground—and, indeed, I am almost afraid of shocking the nerves of the hon. Member opposite, who has placed upon the Paper an Amendment to my Motion, to the effect that, under no circumstances, could relief be obtained by imposing taxation upon the importation of the food of the people. ["Hear, hear!"] That Amendment was framed, Sir, if I may judge from the cheer with which my last sentence was received, as a friendly and timely warning to me on this point. If it was so intended, I beg to express my thanks to the hon. Member; but I must, nevertheless, express my opinion that the Amendment is an unwise and unnecessary one. It is an unnecessary one because, as far as I know, no one has ever proposed, or proposes now, that I am aware of, to impose any taxation upon the importation of food from abroad. It certainly, therefore, seems to me to be rather like an unconscious confession of weakness on the part of the hon. Gentleman, to be in such haste to defend his fortress and to guard his position, before either of them have been attacked. Further, I think the Amendment unwise, because to pass it would be to affirm and to place on record our conviction that, in no possible circumstances or combination of circumstances, whatever contingencies might or might not arise in the future, it would be unwise, undesirable, and impossible for us to do so. I must de-

cline altogether to place myself in such a position; and although I am sure I hope that I shall not startle the mind of any hon. Member excessively, I am compelled by truth to confess that I am quite able to imagine a state and condition of things—although I trust they are not likely to happen—under which it might not only be desirable, but an absolute and a positive necessity, in the interests of the whole country, for us to do so. No one, either in or out of this House, would regret that necessity more than myself; but there is one thing I should regret more, and that would be that the production of food in our own country should cease, or should even be greatly diminished. Yet, Sir, I believe that very unpleasant alternative is far from being so distant as, I suspect, most people imagine. We may be sure that the production of food in our own country will continue for just so long a time, and no longer, than it continues to pay to produce it; and how long that will be depends upon two things, and two things alone—namely, the cost of its production, and the return which it will yield—in other words, the amount of the price for which it can be sold. Now, I know that I may, perhaps, be told—and I daresay I shall be so told in the course of this debate—that it is an entire mistake to suppose that the present depression in agriculture is in any way owing to the lowness of prices of which we complain; because it is shown, and I observed that this is the contention of Mr. Caird, whose words I read in *The Times* shortly before I came to the House, that prices are not lower now than they have been before. [“Hear, hear!”] Yes, Sir; I quite understand what that cheer means; but I think the statement is to be met and answered in more than one way. In the first place, I am not at all prepared to admit that these returns can be strictly relied on, and, supposing they were, they would prove nothing, because the cost of production in these days is very much greater than it was then. There has been a very great increase in the rates, an increase of which, I think, we have all of us had a good right to complain. But there has also been a still greater increase in the cost of labour—one of the most serious items of increase with which the farmer has to contend—and I may observe, in passing, that that additional expense is

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owing, in no small degree, to the Education Acts which have been passed, by means of which the farmer has been deprived of that which was most valuable to him—far more valuable, I suspect, than most people imagine—I mean the boy-labour which he used to employ, and by means of which alone the land was cleaned of weeds and maintained in that condition of which we have so long been proud. That is one reason; but there is yet another to which I would ask leave to call attention. We must remember that the prices of almost every commodity that could be mentioned are higher in these days than they have been in any former period, and this only means that gold is now more plentiful. If you will turn to the years 1849, 1850, 1851 and 1852, and again to the years 1863, 1864 and 1865, when the prices of wheat were at their lowest, and averaged only 41s. 7d. per quarter, you will find that the importation of wheat into the country for the same years averaged only 20,000,000 cwts. as against 50,000,000 cwts. in the year 1878. From these facts I draw the conclusion that our crops in these years were not short ones; and whereas in those years short crops were, at all events, accompanied by an increase in price, we have now to contend with short crops and short prices—a new and unhappy experience which has been reserved for the years 1878 and 1879. I do not scruple to say that, in my opinion, if the prices which farmers have been lately receiving are to continue, or to fall, as we are threatened they will even lower than they are now, the duration of agriculture in England must and can, be only a short one. I do not myself believe in the possibility of any sufficient or material reduction being made in the cost of producing food in this country. It can only be done, so far as I know, by a reduction of rent; but even if the whole rent could be remitted it only bears so small a proportion to the requisite outlay on farming—and I am now speaking of average arable farms which form the great bulk of the land under cultivation in this country—the cost of production would still, in bad seasons, be greater than the return. This is no mere fancy on my part. I know of my own knowledge various average farms in this country in which the loss last year exceeded the

whole of the rent; so that, even if the tenants had been rent free, the balance would still have been on the wrong side. Well, then, Sir, if the cost of production cannot be reduced, it is obvious that the farmers have only to look to the prices which, in the future, they will receive for their produce; and I must confess that it seems to me those prices will be governed, not by the market at home, but by the American market. What we want to arrive at, therefore, is this—namely, the lowest price at which American food can be sold here at a profit to the exporters, including the cost, not only of production, but of freight and transport—for that is the price which, in future, English farmers will have to accept for their own. If that price is one which will fairly remunerate, also, the English producer, all well and good, and the present depression will pass away; but if, on the other hand, it should be found that American food can be supplied to this country at a price cheaper than that at which we can produce it, I do not know how it is possible to resist the conclusion that our own cultivation must pass away, unless the country chooses to take steps to prevent it, I need not point out the disastrous effects which would result from anything like this to the whole country. It would mean nothing less than the ruin of agriculture, which is by far the largest of our national industries. This is not a question of class, but is, I think, a national question of the greatest and highest importance. The aggregate capital of the whole of this country has been computed at £8,500,000,000, of which £2,700,000,000 must be credited to the industry of agriculture—in other words, nearly a third of the whole amount, and three times, I believe, as much as is employed in any other industry in the Kingdom which could be mentioned; while the population dependent, directly or indirectly, upon agriculture cannot be computed at less than 10,000,000 or 12,000,000 of people. I arrive at these numbers in this way. I take the population of the whole agricultural districts in England, Scotland, and Ireland, excluding that part of the population which may be called urban; although a great part of that might, I think, be fairly included, because it is impossible not to perceive that the incomes and

fortunes of all the tradesmen, shopkeepers, men of business, mechanics, and others, as well as those whom they employ, residing in the towns and what may be called the rural capitals of agricultural counties, are intimately bound up with the prosperity of agriculture. If this was done, the numbers would be increased to between 15,000,000 and 16,000,000. Let me also point out to the House that to no class in the country is the welfare of agriculture more important than it is to that class which is engaged in manufactures. The agricultural industry forms the chief element in their home market; and it has been computed that the home market, as compared with the foreign market, bears the proportion of eight to one—that is, that the home trade is eight times as large as the export trade of the country. I know, Sir, that this calculation is very likely to be disputed; but I believe that its strict accuracy can be maintained and proved. Such, at all events, is the opinion of some of the highest authorities we possess in this country. If any hon. Member is disposed to dispute my position, I would refer him to a very remarkable article which appeared in *The Times*, in the month of November, 1877, under the heading, "Foreign Competition." But I have a most unexpectedly ally on this point in the right hon. Gentleman, the senior Member for Birmingham (Mr. John Bright), who, in a letter which appeared in *The Times* two days ago, stated it to be his opinion that "Much of the present depression in trade was owing to the bad harvest." The right hon. Gentleman never spoke a truer word in the course of his life. There is no doubt that a good harvest encourages, as a bad one depresses, the trade of the country. You are suffering, and severely, in common with us, from the results of indifferent harvests; but let me ask the right hon. Gentleman, what does he think would be the position of trade in this country if there were no harvests at all? and let it be remembered that there certainly will be no harvests, unless it pays to produce them. How far this is likely to be the case in the future will depend upon this, and this alone—namely, whether America can undersell us in food in our own country. I know that at present this is to a great extent a matter of speculation, and depends upon a great

variety of causes and considerations upon which we do not possess the information which we ought to have, and which we have a right to expect. For instance, there is the question of freight, than which no question can be more important, and I would ask on this point whether freights are likely to be higher or lower in future than they are now? Opinions differ upon this point. I have myself heard both views expressed. Then, again, there is the question of that great displacement of labour which has recently occurred in the United States, and has transferred so many hands from the workshops of the East to the prairies of the West. Will those hands remain in the West, or will they return to their former occupations? All these are questions on which we must have information. What we do know at present is the reverse of encouraging, and it is this. It has ceased for years to pay to grow corn in this country alone; but then we had stock to fall back upon, and meat and corn taken together have hitherto paid a very fair profit to the English producer. But, now, English farmers have to contend with the new meat trade in America—a trade which has recently sprung up, but has already attained alarming proportions. I speak, of course, from the agricultural producer's point of view. The rate of increase in this trade has been most rapid. In the year 1875, the number of cattle imported was 299, in 1876 it was 380, and it has progressed in the following ratio:—11,523 in 1877, 68,903 in 1878, and 20,733 in the first five months of the present year, notwithstanding its being winter and in spite of the recent Orders in Council ordering slaughter of animals at the port of debarkation. It is hard, therefore, to tell in what direction the energies of the farmers can be best directed. I entirely agree with what was stated by the right hon. Gentleman the Member for Birmingham in the letter to which I have referred on the consolation of cheap food in times of distress. Undoubtedly, cheap food is a blessing to the whole country for which we cannot be sufficiently thankful, and, for my own part, I should desire meat to be so cheap as that it would be within the reach of every working man and every agricultural labourer; but there are two sides to this question also. You must

not deprive the working men and the labouring classes of the means of earning their livelihood. Cheap food purchased at the expense of our own cultivation would be a most costly commodity, and, in the long run, the most ruinous we could possess. Now, Sir, I have endeavoured to state to the House some reasons why I think we ought not to accept the proposition of the hon. Gentleman the Member for Tralee (the O'Donoghue); and now I wish I could bring my observations to a close, because I have trespassed at great length on the patience of the House; but I must ask the attention of the House for a few moments longer, while I say that, although I cannot accept the Amendment of the hon. Member for Tralee, I shall claim him as one of my supporters when I ask for the speedy removal of all the restrictions and taxation imposed on the production of food in this country. What are those restrictions? There is, in the first place, the malt tax, in regard to which I will not go into detail, because I am fully prepared to rely upon the Report of the Select Committee, which contains the following passage:—

“ Your Committee consider that the result of the evidence taken by them is that the Malt Tax prevents the farmer from cultivating his land to the greatest advantage; that it obstructs him in the use of a valuable article of food for cattle.”

There is no doubt, then, Sir, that the malt tax is a hindrance to, and a restriction upon, the production of food in this country. Meat could, undoubtedly, be produced at far less cost without it, and I maintain that we are entitled to ask for the removal of this heavy burden upon the production of food, and that an equivalent revenue should be raised upon barley, or some other produce from abroad. Seeing that the consumer is taxed already, it can make no difference to him to put some additional tax upon foreign produce; and when we have to make a choice between home and foreign produce, I cannot help thinking it a monstrous and glaring evil that our interests should be sacrificed to those of foreigners. In the category of taxation on the growth of food in England I must include all those burdens upon land which agriculturists think fall so unfairly and so unequally upon them, which in the presence of so much distress in agri-

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culture they surely are entitled to ask, shall be removed, and removed at once. I do not put that suggestion forward as a remedy which by itself would be adequate to the occasion; but I am prepared to maintain that whatever may be the outcome of this inquiry, the time has now arrived when, upon every ground of justice and expediency, these burdens shall be no longer imposed upon agriculture. I, therefore, ask for this inquiry upon grounds which I hope that the House will deem adequate and not altogether inappropriate to the occasion. The interests of commerce and agriculture are both suffering together; but their position is in one aspect different. When times are hard manufacturers may reduce the scale of their operation—they may work half-time, or perhaps they may even close their work-shops altogether for a time; not so with agriculture. There you are engaged in a never-ceasing contest with forces powerful though silent, and the work of nature. If you guide and you direct her she becomes at once your friend and fellow-labourer, if you leave and you neglect her she at once becomes your foe. No half-measures, no half-time will do for agriculture; if once the cultivator holds his hand, he must hold it once for all. For my own part, I believe that we are approaching perilously near that position now. But notwithstanding this, I take no gloomy or desponding view of the future of the industry of agriculture, upon the condition, and on one alone—that we are united firmly in the aims and the end we have in view. I indicate no remedy to-night—my object is inquiry. When inquiry has been made, and when information has been obtained, we shall not be backward in advocating remedies which I hope may be found not inadequate to the occasion. I, therefore, ask for union among the agriculturists; not one word have I to say against the alliance of the farmers, if they think that it is required by their needs. I wish, however, to point out to the farmers that what is wanted is something more than merely the alliance of a class. What I wish to see, and what I am satisfied we shall see if it is required, is one great national and agricultural alliance—a union which shall include not only the landlord and the tenant, but the peasant and the labourer as well. The landlord may bargain with his tenant for the rent,

and the labourer will likewise bargain for his hire; the division of profits must ever be a question to be settled by themselves. But they must all remember that the land is the commodity on which we one and all depend, and that any serious and lasting blow to land will be destructive to us all. I would say then to my brother agriculturists and to all whose interests depend upon the industry of agriculture, and I do not know where to draw the line, above all let us be united, and then, dark and gloomy though it be to-day, I shall view with neither fear nor apprehension the future of the good old cause of agriculture which has for so long prospered in the past, and which I trust and pray is even yet about to enter on a new lease of prosperity in future. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

MR. T. BRASSEY said, he rose with great satisfaction to second the Motion which had been brought forward by the hon. Member for Mid-Lincolnshire in his very able speech. It was earnestly to be desired that the great agricultural interest should be assured that they had friends on both sides of that House, and that the proposal now before the House, and any other reasonable proposal for the benefit of agriculture, would receive full consideration in Parliament. He thought the case for a Royal Commission was very fairly stated in a recent number of *The Economist* newspaper. The writer of the article in question said—

“We are in the midst of the most extended and severe agricultural distress which has prevailed in this country for, perhaps, 30 years; and it becomes necessary to investigate the development of an industry which is the largest and most powerful and diffused of any in the United Kingdom.”

The landed interest of this country was now, for the first time, brought face to face with an extensive and vigorous competition. It was a competition which it was the interest of the consumer to encourage, and one with which the Legislature would be too wise to interfere; but it was also a competition which must have very serious effects on the agriculture of this country, and which might possibly result in throwing some of our inferior lands permanently out of cultivation. It could not be said that English agriculture, under the conditions which had until lately prevailed,

had been unsuccessful or unskilful. M. Léonce de Lavergne, in his able work on English agriculture, had done full justice to the ability and enterprize of our farmers. Our land, though on the whole inferior, had yielded more wheat per acre than that of any other country. Taking sheep and cattle together, more animals were raised for the butcher in England than in any other part of the Continent. The practical skill of the British farmer had been conspicuous in the management of sheep. The improvements in the breed were commenced in Leicestershire by Mr. Bakewell, and the results in the increased production of mutton were signally illustrated by M. Lavergne. He said that, assuming that France and the United Kingdom each possessed an equal number of sheep, which number he took at 35,000,000—it being actually 32,500,000—each country would obtain from its flocks an equal quantity of wool; but the weight of mutton, assuming 8,000,000 sheep to be slaughtered annually, would be in France 39,600,000, in England 99,000,000 stone. But the United States had lately poured into our markets such copious and increasing supplies of wheat and animal food, that it had become evident that our old-established systems of cultivation, however perfected they might be by the expenditure of the capital of the landlord and by the skill of the occupying tenantry, must undergo a very serious change. It was most important, therefore, that the landed interest of this country should be informed, through the inquiries of the proposed Commission, as to the probable course of trade with the United States in agricultural produce; what were the articles in which it was hopeless to undertake a competition with the superior natural resources of the great Continent of the West; what were the articles in which our soil and climate and vicinity to our markets gave us the greatest advantage; what steps should be taken to relieve a landowner, whose resources were exhausted, of the responsibility of ownership; whether our arable lands were rented too high; what additional securities should be given to tenants; and whether the usual conditions in leases were too stringent. On all these subjects they might look for valuable suggestions from the Report of the Commission. And, first, as to the mode of cultivation.

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This question of the description of produce to which English agriculture should be especially directed was of the last importance both to owners and occupiers. It was said that the English farmer could afford to pay a rent equal in amount to the freight and railway charges on produce imported from America; but this could only be true when the land he cultivated was equal in point of fertility to the soil cultivated by his American rival rent-free, or when the article he was producing was protected from competition by difficulties of transport. The mode of cultivation he believed to be a far more important question for the future than a reduction of rent. The changes which had lately passed on the formerly prosperous agricultural interest had been traced to the foreign importations, and the obvious deduction must be that the British farmer should throw his strength henceforward into the cultivation of those articles of produce which suffered the greatest amount of deterioration from a long sea voyage, and which involved the heaviest charges for freight. It was shown, in the Return which had been obtained by the hon. Member for East Retford, that while the price of wheat had been kept down by extensive foreign importations, a great and sustained advance had occurred in the price of meat. Mr. Caird's analysis of the total value of the home and foreign agricultural produce showed very clearly where the British farmer was best protected by advantages of situation against foreign competition. Of wheat, cheese, and butter, we imported a quantity about equal to our home production. Our main supplies of wool were from abroad. Our chief supply of barley, oats, and beans was drawn from home. In a few important articles, however, our home farmers had an undisputed monopoly, and these items included potatoes, of which the annual production was valued at £16,650,000 sterling; milk, £26,000,000 sterling; hay, £16,000,000; and straw for home consumption, £6,000,000. Already the agricultural interest had come to depend, not on wheat, but on meat, butter, and hay, which still fetched a good price. Turning from wheat to animal food, they found that the importations from abroad had increased in a still more rapid ratio. According to Mr. Caird, the value of

our importations of animal food had risen in the period, 1857-76, from £7,000,000 to £36,000,000. It seemed probable that the trade would be prosecuted with ever-increasing activity. According to a calculation published by Mr. Clarke in *The Journal of the Royal Agricultural Society of England*, the average meat supply of the United Kingdom in 1876 was in the following proportions:—Meat from home animals, 79 per cent; meat from imported live animals, 6½ per cent; imported fresh meat, 2; and imported salt meat, 13 per cent. The importations of fresh meat were doubled in 1877. It was a very important subject for inquiry by the proposed Commission, whether that importation was likely to continue and to increase in the same ratio as it had lately done. The answer must depend on the cost of rearing stock in the United States, on the rates of freight, and on the extent of loss by deterioration in transit. First, as to the cost of rearing cattle. He had lately been in correspondence with some friends in Boston, from whom he had derived much interesting information. The business of the herdsman in the far West was conducted on a vast scale. There were herdsmen owning herds of not less than 75,000 head. They fed their cattle on the eastern slope of the Rocky Mountains. The country was very dry, and could not, therefore, be cultivated. The herdsmen held the land under the United States Government, and let their cattle roam over a vast extent of country, where they fed all the winter out-of-doors. They were making every effort to improve the quality of their stock, and, meanwhile, their herds were filled up with large numbers of cattle from Texas. He was informed that the loss of cows was only about 1 per cent, and the loss of steers about ½ per cent, annually. It cost six dollars, or 25s., to bring into the world and raise a four-year-old steer. Such an animal was worth, at Chicago, from 35 to 45 dollars, and the cost of transport to Chicago was only eight dollars. At the present prices, the herdsmen realized profits of from 25 to 40 per cent. He had stated the facts as to the cost of rearing cattle in the United States at the present time from a source of information on which he could very confidently rely; but it was essential for the guidance of the

agricultural interest that a more extended inquiry should be made by the instrumentality of a Royal Commission. In considering the expediency of laying down arable land in pasture, it was important to ascertain whether the importation of American cattle was likely to continue and to increase at anything like the present rate of development. It was said that beasts were becoming scarce in Canada. Railways would not long continue to carry cattle at the same price which they had been willing to accept in a time of severe commercial depression. It was a question, again, whether the United States Government would not levy a charge for pasturage on the public lands when the trade had been developed, and was known to be lucrative to the keepers of stock. Even a charge of 1s. an acre would materially affect the cost of breeding and rearing cattle which roamed over such vast territories. The effect of any such charge might be the more seriously felt, because the Americans could not put an animal on the market in less than from four to five years. A grass-fed animal could not be fit for sale in a shorter period. It was an important question for the Royal Commission to examine whether it would not be wise policy for the British farmer to combine with, rather than compete with, the American herdsman, and to import, to some extent, the lean stock of America to be fattened on our more luxurious pastures. Having referred to the expenses of rearing cattle in the United States, he would turn to the cost of transport to this country. On this Mr. Caird remarked—

“Under any circumstances, the English producer has the advantage of at least 1d. a-lb., in the cost and risk of transport, against his transatlantic competitor. It is an advantage equal to £4 on an average ox. Of this natural advantage nothing can deprive him, and with this he may rest content.”

It was important, however, to observe that the cost of transporting live animals across the Atlantic had been very rapidly reduced since the publication of Mr. Caird's book. He was informed by Mr. Beazley, the well-known shipowner of Liverpool, that at first steamers obtained freights of about £6 per head. The rates had gradually been reduced, until now they were only £2 10s. to £3 per head. He had received from Liverpool further particulars, which showed that

the loss of cattle during the Transatlantic voyage was being rapidly diminished by the improved appliances which were being perfected by experience. The following figures gave the importation of cattle into Liverpool from the United States during the past year:—In February, out of 4,828 oxen shipped, 468 were lost on the passage; of 1,277 sheep, 120 died. In March the importation was reduced by 2,000 head; 1,829 oxen were shipped, but only 9 lost; 1,236 pigs were shipped, and 75 lost; 1,454 sheep were embarked, and 143 lost. In April, 1,993 oxen were shipped, and only 8 lost; of sheep the number embarked was 8,818, and the loss 164. The number of pigs shipped was 2,925, and the loss 447. In May there was a great increase in the numbers of cattle landed in Liverpool from the United States, and the loss was comparatively small; there were shipped 6,281 head of cattle, of which 187 were lost; of sheep, 13,064 were embarked, and 217 lost; of pigs, 5,834 were shipped, and 418 lost. With regard to the prices realized for the imported cattle, Mr. Beazley had furnished him with the following details:—

“They find it,” he said, “better to kill immediately after arrival, as the animals are shipped fat and in good condition, and, as a rule, in the regular traders fitted for the purpose, arrive in fair condition.”

Mr. Beazley further informed him that 422 head from Montreal, not in particularly good condition, sold at an average of £22 8s.; 349 head from Montreal, in better condition, sold at an average of £24 2s.; six superior beasts fetched £31 per head; 440 beasts sold in London on June 2, at an average of £24 1s., *ex City of London*. That steamer only lost 6 out of 600. He ventured to say that such facts as he had quoted had a most important bearing on the prospects of the British farmer. They must extend their survey to foreign countries, and they were entitled to ask the assistance of a Royal Commission in order to complete and perfect their investigation. Agriculture was suffering in his own neighbourhood from the serious fall in the value of hops, the fall being due to over-production on unsuitable land. Some 14 years ago the Excise duty on hops was repealed. It was announced at the same time by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) that the Custom House duty

must be repealed. But although hops were thenceforward exposed to unrestricted competition from abroad, the foreign trade necessarily required a certain interval of time for its development. In the meanwhile, through a period of about four years, the growers of hops were in the happy but ephemeral position of emancipation from the Excise, while foreign competition was not yet felt. Farmers were making every year a profit on hop cultivation equal to the fee-simple of their lands. Such a state of prosperity could not possibly endure. It attracted a severe foreign competition, and sent down the price of hops. Meanwhile, the high profits had encouraged farmers to extend the cultivation of hops to land not at all adapted for the purpose. The only remedy must be to convert some of those hop lands into orchards. Soil that had been under cultivation for hops would grow excellent currants. Farmers, however, were hanging on in the hope of a return to the old prices and the old profits. This could never take place in the teeth of foreign competition, and the sooner the illusion was dispelled by the Report of the Commission the better it would be for the landlords and the occupiers of land. Not only were hop gardens very suitable for conversion into orchards, they were well adapted for market gardening. A far larger supply of vegetables could be absorbed in the English market, and the returns upon this description of produce grown in rotation with farm crops would be found very satisfactory. We wanted information as to what articles of produce it was useless to grow in competition with the foreign producer; but might we not also learn something from their methods of management and cultivation? As an illustration, he would specially refer to the manufacture of cheese. The total quantity of cheese manufactured in the United Kingdom was estimated at 2,000,000 cwts.; the importations in 1876 amounted to 1,500,000 cwts. The value of the annual home product was estimated by Mr. Clarke, in a recent paper in *The Agricultural Society's Journal*, at £3 15s. per cwt., or a total of £8,370,000. The finer qualities were produced in only a small proportion of the dairies of England. For cheese of superior quality excellent prices were still obtainable; but he was informed by

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an agricultural relative in Cheshire that large quantities of the cheese made last year had not fetched more than 30s. or 40s. per 120lb., while the best qualities fetched from 70s. to 80s. The same experiences had been obtained in all parts of the country. The question, therefore, that we had to consider, and which he should like to see examined by the Royal Commission, was whether the acreage of farms in the dairy counties had been judiciously apportioned, and whether the farmers themselves had anything to learn from the processes of manufacture adopted in the United States. The increase in the manufacture of butter and cheese in the Eastern States of America had been most remarkable. Mr. Victor Drummond, in his recent Report, gave the value of the cows in the different States at £62,000,000 sterling, and the value of the cheese and butter which they produced at an equal amount. The production had increased 33 per cent within the past year. The exportations of 1878 paid more than £250,000 sterling for freight to Europe. The introduction of what was called the factory system had had the effect of materially increasing the production. The Americans worked on the co-operative plan. All the farms within a radius of, perhaps, four miles, sent their milk to the same dairy, where the production of cheese was carried on, even by small occupiers, on the most extensive scale, and upon the most scientific and economical system. Mr. Drummond gave details as to the processes of making butter and the milking of cows by a mechanical process, which deserved the attentive study of our own farmers; and he looked to the Report of the Royal Commission to bring its discoveries in a prominent manner under their notice. Some might, perhaps, regard the proposed Commission with suspicion, as a compromise with, and an encouragement to, the Protectionist Party. But the Government knew too well the almost universal feeling of the country to allow the door to be open to any such misunderstanding. If the Commission was appointed, care would, he felt sure, be taken to exclude even the discussion of the exploded doctrines of Protection. There were protectionist countries which had flourished, not because, but in spite of, Protection. But we were not in that position. A large proportion of our

population could only live by successful competition in the neutral markets with the rival industries of foreign nations. We could hold our own only by the cheapness of our productions. More than one-fourth of our total consumption of agricultural produce was supplied by foreign importations; and if we made the workman pay dearer prices for his food, and admit—as we must, unless we contemplated a gross injustice—that wages must be proportionately advanced, we should raise up an obstacle to the success of our export trade, which might prove fatal to its prosperity. We had long since accepted the greatest happiness of the greatest number as the aim of our financial policy, and we should not be shaken in our faith by the temporary misfortunes of any interest, however important, and however solicitous we might be for its welfare and prosperity. Very numerous precedents might be cited for an inquiry, not with the view to legislation, but to the accumulation of valuable information for the guidance of the industry and the commerce of this country. The hon. Member for Hackney (Mr. Fawcett), in his recent volume on Free Trade, had enumerated the five Parliamentary inquiries into agricultural distress between 1815 and 1845. Inquiries bearing upon our trade and commerce had not been less numerous; but he would only refer to a very recent example. In 1873, when the consumers were alarmed by the increase in the price of coal, a Select Committee was appointed, which collected a most valuable body of evidence bearing, not only on the economic, but also on the commercial aspect of the question. The Committee concluded their Report with an emphatic declaration that the true policy of the country was to maintain an inflexible resolution of non-interference on the part of the State. It was not desired that there should be legislative interference on the part of the State with the supply of agricultural produce; but it was urged by those who supported this Motion that when a great interest was in difficulty it might fairly appeal to the Legislature to assist in collecting information for its guidance. Turning for a moment from our own country to foreign nations, he found that in 1868 a full Report was presented to the French Government on the state of agriculture in France. This *enquête agricole* was

conducted by M. Monny de Mornay, and embraced every question connected with the land, such as inheritance, registry, advances of money for improvements, labour, drainage, railway and road communications, and protective duties. The question of large and small farms, and peasant proprietorship, offered another subject, concerning which it would be very desirable that some information should be collected by the Commission. One other subject it seemed inevitable that any Royal Commission appointed to inquire into the causes of our agricultural distress must consider—namely, the effect upon cultivation of the limited ownership of a large part of the soil of this country. We had it, on the authority of the noble Lord the Leader of the Opposition, that it was impossible to place a limited owner in as good a position, as regarded the management of an estate, as an absolute owner; and Mr. Pusey's Committee reported that it seemed very desirable that estates under settlement should be endowed with every practicable privilege attached to absolute property. The necessity for giving increased facilities to limited owners for raising money for agricultural improvements had been established whenever an inquiry had been instituted into agricultural affairs. According to Mr. Baily Denton's evidence, quoted in the Report of the Lords' Committee on the Improvement of Land, out of 20,000,000 acres requiring drainage in England and Wales, only 3,000,000 had as yet been drained. The importance of this question in a public point of view was fully recognized in the Report of the Committee. There were many owners whose embarrassments could only be relieved by the sale of the whole or a part of their estates. To convert, for example, arable land into permanent pasture was a costly and tedious process. Mr. Caird had recommended that settlements of land should be limited to lives in being, with large powers of sale. He would be sorry to advocate any legislation which seemed calculated to impair the valuable political and social influence of the hereditary families of this country; but the position of an owner who could not do justice to his property was miserable to himself and a public calamity. Such an owner might derive immense advantage from the conversion of a portion of his landed property into per-

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sonalty, and the law allowed personal property to be tied up in settlement under trustees for as long a period as an entailed estate in land. While the owner required large powers of sale, the tenant required greater security of tenure. In the speech in which he moved for a Committee of Inquiry in 1845, Mr. Cobden stated that the primary cause of the distressed condition of agriculture was the deficiency of capital in the hands of the farmers. That deficiency he attributed to insecurity of tenure. Mr. Cobden quoted many witnesses, and relied particularly on one whose authority would be acknowledged by hon. Gentlemen opposite—he meant Lord Stanley—who, at a meeting held some time before at Liverpool, had spoken as follows:—

“ I say—and as one connected with the land I feel bound to say it—that a landlord has no right to expect any great and permanent improvement of his land by the tenant unless he shall be secured the repayment of his outlay, not by the personal character and honour of his landlord, but by a security which no casualties can interfere with—the security granted him by the terms of a lease for years.”

The relations between the agricultural labourers and their employers would form part of the inquiry referred to the Commission. The cost of labour had not increased in recent years so much as it had been supposed. In urging the necessity for the appointment of a Royal Commission, it had been his duty to dwell only on the gloomier circumstances that affected British husbandry at the present time; and, indeed, it seemed not improbable that for some years to come the landowner might suffer a loss of income. But English enterprise had never given way before difficulties. That was not the tendency of the national character. We had been successful in raising agriculture to a high pitch of perfection. If we were to depend on the foreign supply of wheat, the cultivation of our soil would require re-adjustment, and the period of transition might be a severe trial; but, by the united action of landowners and tenants, and by removing the trammels of an antiquated system of Land Laws, we should triumph in the end. There was always in favour of agriculture what M. Léonce de Lavergne had designated the economic re-action. If the agricultural interest could have been destroyed, it would have been destroyed a hundred times. It owed its preservation to the

fact that it was necessary—that it was indispensable. The labourer was never in a more favourable position than now, and he had always the resource of emigration. The present difficulties of the tenant farmer would be finally adjusted by competition. Lastly, the landowner might remember that the capital value of land in England was independent in a large degree of purely agricultural conditions. It was the one exchangeable article which admitted of no increase, and the accumulation of capital which diminished the profits of the merchant would augment the competition for land. It would compensate for the loss in agricultural by the gain in residential value. The action of these economic laws might be impeded, but could scarcely be promoted by the Legislature, excepting in so far as they might enhance the value of the land by increasing the happiness of the people. He had great pleasure in seconding the Motion of his hon. Friend.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to appoint a Royal Commission to inquire into the depressed condition of the agricultural interest, and the causes to which it is owing; whether those causes are of a temporary or of a permanent character, and how far they have been created or can be remedied by legislation,"—(*Mr. Chaplin*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

VISCOUNT MACDUFF said, that the hon. Member who had introduced the Motion had taken a very gloomy view of the present state of British agriculture, and although he was perfectly willing to admit that in some localities things were far from what we could desire, yet he must say that he thought it was rather early to set up a cry of despair, as if the whole class of British farmers and landlords were threatened with utter extinction. He had heard that in the past, similar grievances had from time to time found, as on this occasion, an eloquent exponent in that House. But the result had generally proved that the depression complained of could be traced to ordinary, natural, and economic causes. As far back as 30

years ago, no less a person than the present Prime Minister had brought forward a Motion not unlike the one they were discussing that day, and it was then even asserted that the rents of the land had undergone a reduction of 25 per cent. Was anyone prepared to deny that since then the rent-roll of the country had enormously increased? It seemed to him that in order to justify the appointment of a Royal Commission, it would be necessary not only to point to a depressed condition of affairs, but also to indicate remedies sufficiently strong, even if heroic, to remedy the state of things complained of. But he had conversed freely with many experienced agriculturists on this matter, and not one of them had ever failed to point out innumerable causes for this unfortunate depression which were not far to seek, but the remedies for which seem hardly to have been indicated by his hon. Friend. The fact was, as had been shown so often, that we had had a series of indifferent harvests in this country, and, generally speaking, in Europe. In America, the great corn-producing plains had been so greatly developed by the influx of capital and population into vast districts hitherto unknown, that practically a new element had been introduced into the question of our food supply. Owing to the long-standing depression of trade in the United States, and the sudden gigantic development of the railway system on that continent, a competition had set in which had reduced the freight from the uplands to the Atlantic sea-board to a preposterously low rate. In addition to this, the enormous increase in the tonnage of our Mercantile Marine, which took place during the years of inflation now past in this country, coupled with the lack of occupation for it, had ended in landing in this country the agricultural produce of America at rates little more than nominal. He could well sympathize with the feelings almost of dismay which must have come over most farmers that very week, as they read in *The Times* of the estimated increase of 60,000,000 bushels in the yield of American wheat compared with last year. Was it seriously supposed that a Royal Commission could remedy this state of things, or interfere with the elements? For he was glad to hear that his hon. Friend did not boldly ally himself with

the new Protectionist Party which was now feebly endeavouring to put forth a sickly growth in the country. Whenever there was a temporary lull in what he still believed to be the advancing prosperity of the country, a cry was set up, and every sort of quack nostrum was propounded; whereas, a more patient study of facts and figures would tend to show that the differences were not so fundamental after all between these times and those which were everywhere looked back upon as a period of undoubted prosperity. It was only quite recently that any fall of appreciable extent had taken place in the aggregate amount of our commercial transactions; and, comparing the most recent figures of our imports—the last five months of this year—with those of last, he only saw a difference of about 10 per cent; from £160,000,000 sterling to £144,000,000. The difference in exports was even smaller, or about 8 per cent—from £79,000,000 to £74,000,000. He need not remind the House how large a part of that money difference was to be accounted for by the “shrinkage” in the values. To take other tests—whether we looked at the number of paupers in our workhouses, the amount of savings in our savings banks, the traffic on our railways, the amount of cheques passing through the Clearing House—the result seemed to him at least everywhere the same—namely, that there was an undoubted diminution of our commercial progress, taken as a whole. But considering the high speed which that progress had attained, might it not be questioned whether a great country like ours ought not to be able easily to bear some slight reduction in the aggregate of its prosperity without being too ready to confess to disaster and despair? He gathered from the hon. Gentleman and his supporters that they viewed with great alarm the increase which had taken place in the local rates. Everyone connected with land must deplore this increase, which he knew was felt heavily at the present time. Was it desired to seek further relief for the rates at the expense of the Imperial Exchequer? They had generally been told that the present Government had gone as far in that direction as it was possible; and, for his own part, he was not without apprehension that that relief did not wholly find its way into the pockets of

the farmers. Although landed proprietors might like still further relief in this form, he was much mistaken if the mass of the tax-paying people would not have a good deal to say about such a proposal at the present moment. That, however, was certainly one of the many questions which a Royal Commission might inquire into with advantage to the agricultural interest. He could perfectly understand the line of argument of a noble Duke in “another place,” who certainly had the courage of his opinions, and did not hesitate to propose an import duty all round, as a remedy for the existing depression of trade. He should have supposed that his hon. Friend would have armed himself with similar courage, and proposed a return to the sliding scale, as he noticed that a meeting of the Essex farmers had just done at Romford. That would have been worthy of a Royal Commission, and of his hon. Friend’s distinguished advocacy. Nor would he have been alone, for these views had found a feeble echo in the country, and even in that House. But it was proposed, apparently, to issue a Royal Commission without any direct reference to protective measures, and he supposed, therefore, that unless it was to go into the whole question of legislation affecting land, which he thought it ought to do, this august body would chiefly occupy its time in discussing the latest prognostics on the weather from the other side of the Atlantic. It was usual, when a Commission was asked for, to point out some specific remedy for the evils complained of; and in this case, unless you were prepared to advocate a return to Protection on the one hand, or on the other a thorough examination of every law which affected the soil, he could not see how any practical result was to follow from a Motion so restricted as this. Well, then, was it the question of agricultural labour that their Royal Commission was to be called upon to elucidate? No doubt, that was one which occupied greatly the attention of all concerned in the land. A gradual but inevitable change was taking place throughout the country, owing mainly to the facility of intercourse which was urging the country labourer, who formerly never wandered far from home, to seek richer soils beyond the seas, or to migrate to some manufacturing district in the neighbourhood. It was,

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therefore, inevitable that the price of labour must be, he feared, everywhere increased. No doubt, this question of the price of labour was one of the most important factors a farmer had to reckon with, and one which, at the present time, tended greatly to increase the difficulties of his position. He was one of those who thought that he might borrow a few more leaves from the book of his manufacturing neighbours, and introduce such further improvements in agricultural machinery as to reduce still further the cost of production or increase its efficiency. But a Royal Commission could hardly deal with a question of this sort, unless his hon. Friend were prepared to suggest that the rate of wages was to be regulated by an Act of the Legislature rather than by the perhaps now antiquated law of supply and demand. He was not without some slight experience of agricultural matters himself, and he was inclined to believe, at any rate, as far as his own part of the world was concerned, that the moderately-sized and even small farms—such as an active man could well superintend himself, into which he could introduce the greatest economy of labour—were destined to be mainly the farms of the future. But these were questions of an essentially practical nature, which he did not feel himself justified at the present moment in dilating upon. He wished, now, to look a little deeper into this whole question, and to remind the House that there had been, ever since he had had the honour of a seat in it, no lack of Bills introduced bearing upon farmers' grievances. Had they found his hon. Friend the Member for Mid-Lincolnshire (Mr. Chaplin) among the supporters of such measures, or was it only when there was a chance of rents falling that agricultural grievances were to be aired? Speaking as a Scotch Member, he might appeal to frequent endeavours to obtain a hearing for certain well-known questions; but, on these occasions, they had always been met by the strongest opposition from English county Members, and had been told that their ideas were revolutionary and subversive. As an instance of this, he might say that the Law of Hypothec had long been an open sore to the farmers of Scotland, and so strong had been the feeling upon this subject, that a Bill had been introduced for its abolition by a Conservative Mem-

ber during every Session of this present Parliament. If hon. Gentlemen sitting on the other side of the House had really been anxious to place farmers in a more advantageous position, surely that Bill would not have found such a united body of Conservative opponents arrayed against it? As a Scotchman, he hardly liked to mention the question of the English Law of Distress; but he had noticed that it had formed the subject of discussion at several agricultural meetings, and he felt that he could not do better than respectfully recommend it to the champion of the English farmer. Well, a few years ago the Conservative Party had an opportunity of showing their devotion to their farmer supporters when they introduced an Agricultural Holdings Bill. What was the conduct of hon. Members opposite? Any proposal to make it more stringent was scouted as a gross violation of the rights of property, and the idea of making it compulsory seemed to send a thrill of horror through the Conservative benches. Now, if hon. Members who supported this Motion would refer to the proposed Commission the whole question of the security of the tenant's capital invested in the soil, he for one would certainly vote for such an inquiry, were it only to hear repeated such evidence as that given years ago by a land agent before Mr. Pusey's famous Committee, and which formed such a complete survey of the matter that he could add to it no words of his own. The witness said—

“I am convinced of this—that where landlords cannot make improvements, there are so many cases where the tenant has the means of making them, that he could make them very much to his advantage, and very much to the landlord's advantage; because I consider that, under the present system in our country of letting farms, farms are what we call ‘beggared out.’ There is not a farm that I have re-let, but every tenant who has quitted has taken everything out of the farm that he possibly could. If a system could be laid down where that never could be allowed to be done, and any outlay that the tenant had made upon that property, whether in improvements by building or manure, he should have the certainty of being repaid for, I think the benefit would be immense, both to the landlord and the tenant, and the public.”

In Scotland, he might say that many of the difficulties of this question had been got over by the admirable system of leases, which ought, as he thought, to prevail everywhere. He hoped, then,

that his hon. Friend would have no scruples in attacking at once the whole question, and getting his Royal Commission to extend to agricultural "fixtures" some of those arrangements long ago made for trade "fixtures," to the equal benefit of the trade and the tradesman. To pass to other topics, Bills had not been wanting to amend the Game Laws with regard to ground game, which in Scotland, and in England also, was a subject of daily vexation to farmers; but the language used to combat such moderate proposals had always been such as to make one imagine that the landlord's right to his hares and rabbits was one which was intimately connected with the stability of the British Constitution. And yet these, and similar questions, were those which farmers had always, but in vain, wished to see solved. They were surely entitled to have them referred to this Royal Commission. One more condition was necessary to make this Royal Commission readily acceptable, and that was the opening up of the whole question of transfer, devolution, settlement, and entail of land. It was admitted on all hands that legislation was still required on the transfer of land, as the Act of 1875 had been almost a dead letter, only 48 titles having come on the register. He would not go into the question of entail, because he noticed that there was already an Amendment put down on that subject; but he might just say, that, as far as Scotland was concerned, in spite of the legislation of 1848, entail was still a recognized grievance, and one which seriously interfered with the full improvement of the soil. There were proprietors in Scotland whose children were born before 1848, or who had no children at all, and who, practically, found their estates as much tied up as if no facilities had been given to landlords in that year. Everyone in Scotland would be glad to see the tedious and expensive applications to the Court of Session with respect to improvements got rid of, and power given to the local Court of the Sheriff to dispose summarily and cheaply of all such applications. In England it had been suggested by many practical reformers that the powers of sale of tenants-for-life might be enlarged, so as to enable them, by the sale of outstanding parts of their estates, to have a readier access to their capital for

improvements and other purposes. No one could deny that there were considerable difficulties in the way of the free application of capital to land, in spite of the practically unanimous opinion that such application was both desirable and possible. It had been well said that "a settled estate is an estate which has not and may never have a real proprietor." Who, then, was to improve that estate? Who had power enough to do so, and who had the requisite inducement? Not the nominal owner, for he was generally a tenant-for-life, obliged to hold an estate out of all proportion to the means he had for its improvement, and was frequently embarrassed with enormous charges. Next came the remainderman, who had, perhaps, consented, under pressure, to re-settle the estate at a time of life when he understood little of its responsibilities, but felt the necessity of securing himself an allowance. He could do nothing to improve the estate, because he was not in possession. Then came the occupier. He generally knew best what improvements were most wanted, and which would pay best; but he was not likely to receive much encouragement from the two persons he had just mentioned, who were bound hand and foot by their unfortunate legal position. He would not then, dwell any further upon the many evils affecting the agricultural interests of this country, for he feared he had already wearied the House. He felt it was a time of severe pressure and some anxiety, but not of despair. It was because he sympathized deeply with the present distressing condition of the farmer that he wished to see those evils removed which he had endeavoured only lightly to touch upon. He had ventured to urge that the proposed Commission should thoroughly investigate them. If it failed to do so, it must prove wasteful of public time, and barren of results.

MR. MAC IVER thought inquiry should be extended to the condition of our home industries generally, to manufactures as well as to agriculture. He felt that the Government could not be indifferent to the prevailing commercial depression, but that it would be best to leave them to institute inquiry at their own time and in their own way, when it became really apparent that the manu-

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facturing constituencies desired it. He had no desire to underrate the importance of the export trade of this country; but it seemed to him that our home trade was even more important, and that manufactures and agriculture had common interests. If our manufacturing population were idle they could not buy agricultural produce, and if agriculture remained depressed our manufacturing industries would be depressed too, because those who lived by agriculture had less money to spend in manufactures. We were, he thought, too much dependent upon foreign nations for our supply of food. There was not a country in the world that would now take our manufactures in exchange. The question was not so much whether Free Trade was desirable as whether it was practicable. It was idle to say that, as trade had formerly revived, so it would again. There might, indeed, be some temporary improvement; but it could only be temporary. What he wished to point out was that the conditions had changed, and that it was our duty to face those altered conditions. He could not indicate those altered conditions in better words than by the following quotation from a leading article which appeared in *The Times* a few weeks ago:—

“Is the system of Commercial Treaties to be allowed to lapse without an effort on their behalf, and almost without a discussion in Parliament, while there may yet be time? The question becomes daily more and more urgent. Unless something is done quickly, the principal Continental countries will all have reverted by the end of the year to a system of higher duties than that under which the trade between them and with the rest of the world has been carried on for many years.”

Was it necessary for him (Mr. Mac Iver) to say more? The House knew what our own Colonies were doing. Everybody was closing his doors to us, and it was not reasonable to expect any substantial revival of our export trade under such conditions. Statements had been made, no doubt, upon the authority of Board of Trade statistics, that, although the value of our exports had diminished, their volume had been maintained. The fact was that the character of our exports had changed, and that we were now exporting raw materials where we formerly sent manufactures; and we were even, to some extent, importing manufactures from those who formerly

sent us raw materials. Our exports of woollen manufactures were rapidly decreasing, and our imports of the same goods as rapidly increasing; and the same was true of manufactures in iron and steel, of silks, and of cottons. In corroboration of that assertion, he desired the attention of hon. Gentlemen to the following analysis of the statistics of the Board of Trade bearing upon the point, for which he was indebted to Mr. Sutcliffe, a public auditor in Bradford, and to whom he (Mr. Mac Iver) desired to express his obligations:—Exports of woollen manufactures, £17,843,208 in 1877; £16,723,009 in 1878; imports of woollen manufactures, £5,335,276 in 1877; £5,996,575 in 1878. Exports of iron and steel, £20,113,915 in 1877; £18,393,974 in 1878; imports of iron and steel, £2,585,610 in 1877; £2,793,486 in 1878. Exports of silk manufactures, £1,705,153 in 1877; £1,921,166 in 1878; imports of silk manufactures, £14,475,516 in 1877; £14,986,089 in 1878. Exports of cotton manufactures, £57,035,019 in 1877; £48,086,710 in 1878; imports of cotton manufactures, £1,736,937 in 1877; £2,058,676 in 1878. Within his own (Mr. Mac Iver's) experience, he remembered the days when large quantities of rails from South Wales went to the United States; but that now their largest export was “spiegel,” a description of ore whose special usefulness was to enable the Americans to make steel rails for themselves. He remembered, too, the time when linens from Belfast went to America in large quantities, but to-day those quantities were small. Sheffield now sent unfinished goods to save the duties, and work was done in America which used to employ people here; our manufacturers were ruined, and Sheffield artisans had the mockery of cheap food offered to them at the cost of starvation. There were no wages, because manufacturers could no longer sell at a profit; and the case of Lancashire and Yorkshire was not greatly better than that of Sheffield. Our one-sided Free Trade brought the productions of other lands to our doors, to the destruction of our home industries. It destroyed our home market for our own wares, and opened no markets abroad where we could sell the goods which we desired to produce. Our people were idle, and we were paying the rest of the world to work for us.

It was a wages question. What was called Free Trade meant—to the working man—hard work, long hours, and low wages. How else could our manufactures now find their way into foreign markets? Goods, in order to pay, must not only be produced as cheaply as the foreigner could make them, but cheaply enough to pay the duty too; and these duties were being everywhere increased against us, while we continued to receive all foreign manufactures duty free. Trade with the United States was in no exceptional position. With returning prosperity the Americans were, no doubt, taking a little more of our wares, but nothing in comparison with what we bought from them. Vessels were sailing outwards almost in ballast, taking coals for the return passage because there was nothing else to carry, and ordinary freight-carrying steamers were entirely dependent upon the homeward earnings for the expenses of the voyage. No one could have been further wrong than Lord Norton, when writing to *The Times*, or than Lord Derby was when speaking at Liverpool, the other day, in regard to the future of the carrying trade. As regarded our exports, he (Mr. Mac Iver) saw no “blue sky.” There was none. He had been examining the Board of Trade Returns for May; and while it was perfectly true that, for the first time for many months, they seemed to show improvement, there was, nevertheless, very little real encouragement in the figures. Shipments to Bombay were larger, because they had been held back waiting the reduction in the duties, and it was reasonable to expect that reduction would bring permanent improvement; but, except a few things for America, there was no other increase as regarded any item of healthy trade. The principal increase was to Germany, where goods were being hurried forward to escape the new tariff; but almost everything else had fallen off, except exports of raw materials to Belgium and America. His experience as a carrier showed him that the trade of the world was changing its character. His own vessels were now taking cotton, and other raw materials, to Continental ports which formerly took manufactures; and while it was perfectly true that the general trade of the world was in an unsatisfactory condition, he had many reasons for disbelieving that the com-

mercial depression elsewhere was as great as with ourselves. Foreign nations liked a system under which they had the run of our markets, while we were excluded from theirs. Many miles by sea cost no more than a few by rail, and the natural protection, therefore, lay, in many instances, with the foreigner rather than with our own manufacturers. As regarded cost of conveyance to London, Rouen was practically nearer than Bradford, and the foreigner, free of our markets, was in a position of advantage over his British competitor, because he had two customers, while our manufacturer, excluded from France by a 30 per cent duty, only had one. The entire destruction of our home industries, therefore, was only a question of time. The hon. Member for Hackney (Mr. Fawcett) was quite wrong in saying, in his recent book, that there was no home industry that had yet been seriously affected by foreign competition. Wool-lens, cottons, silks, iron, loaf-sugar-making, all were “going to the bad;” and almost any kind of inquiry would prove this to be so. Foreign nations were never likely to accept Free Trade so long as we took their wares duty free. It was not to their interest; and Adam Smith, in his *Wealth of Nations*, book iv., chap. 2, told us plainly enough what we ought to do in such circumstances. John Stuart Mill, evidently, was of the same opinion; but the right hon. Gentleman the Member for the University of London (Mr. Lowe) was not, and in his recent article in *The Nineteenth Century* magazine abused such teaching as Adam Smith’s in no measured terms. Further reference to Mill’s *Political Economy* was, however, worth attention, for Mr. Mill was, undoubtedly, a great authority; and anyone could see, from the end of the 4th chapter in book v., that he, at least, did not believe that all taxes were borne by the consumers. Sir Louis Mallet, however, was the author of a pamphlet, which was at the present moment being circulated by the Cobden Club, in which he put the value of our imports of manufactured and half-manufactured goods for 1877 at £49,081,241. Where such figures were obtained he (Mr. Mac Iver) could not imagine; for he found in *The British Empire* newspaper a detailed list, compiled from the Board of Trade Returns, and that the amount was in reality

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about one-third as much again. By misprint or other error, certain imports were given as £49,081,241, while the Board of Trade figures gave £64,635,418. He (Mr. Mac Iver) knew that nothing could be further from Sir Louis Mallet's wish than to mis-state the facts, and that the Cobden Club equally wished to be truthful; but now that an inaccuracy so grave had been brought to their notice, it was about time that they took steps to correct it. We imported, certainly, manufactures of one kind and another to the annual value of nearly £65,000,000, and 10 or 15 per cent duty on these would yield no inconsiderable revenue to go in reduction of other taxation. As Mr. Mill said—

“A country cannot be expected to renounce the power of taxing foreigners, unless foreigners will in return practice towards itself the same forbearance. The only mode in which a country can save itself from being a loser by the revenue duties imposed by other countries on its commodities is to impose corresponding revenue duties on theirs.”

Yet that was precisely the power which those who were opposed to him (Mr. Mac Iver) had already renounced, and which they desired should be permanently renounced. He thought an inquiry would show that such a power could still be useful, and that the sooner we resumed it the better; useful in raising revenue, useful in enabling us again to negotiate Commercial Treaties upon advantageous terms—useful in restraining unfair competition with our home industries—useful in bringing a pressure to bear that would re-open foreign markets to our productions—useful in restoring that prosperity which under one-sided Free Trade, we had thrown away. A system like the present, under which we gave everything and got nothing, was a bad system. There was no question—or, at all events, he (Mr. Mac Iver) raised none—of restrictions on the one hand and Free Trade on the other; but Free Trade required two to make the bargain, and, unfortunately, the rest of the world was against us. We were simply an object for the rest of mankind to plunder, and had too long been the willing victims of a “war of tariffs,” which we had but to “lift our sword” to stop. He hoped to see the day when we would be Free Traders within the British Empire, buying what the Colonies could send us, and paying them with our manufactures. A system

like the present, under which our imports were steadily increasing and the exports diminishing, could only bring disaster. There was no sufficient explanation of the £150,000,000 annual balance on the wrong side, and he thought an inquiry would establish that some considerable portion of it was actual loss of wealth. London, it was true, was a financial centre for the transactions of the world; but that could hardly explain it—the figures were too big. Profits on foreign investments did not figure for much in the Income Tax Returns, and certainly did not explain it. He hoped the Government would grant an inquiry into the causes of agricultural depression, as asked by his hon. Friend the Member for Mid-Lincolnshire (Mr. Chaplin), but that the case of the manufacturers would not be forgotten. His (Mr. Mac Iver's) demand for inquiry as regarded commercial depression was, he thought, strengthened not merely by the Petitions which had been presented, but by a Memorial from bankers and others to the Prime Minister the other day in regard to the demonetization of silver. That was not a question on which he desired to enter, except as tending to show that these gentlemen who approached the Prime Minister, although from a different point of view, thought equally with himself that the continued commercial depression was insufficiently accounted for by any of the causes hitherto alleged, and that there ought now to be some kind of inquiry. He (Mr. Mac Iver), while unable to suggest any mode of dealing with it, was inclined to think the silver question had something to do with our troubles; but he thought our false Free Trade had more, and in asking for an inquiry, did not hesitate to say that he hoped it would lead to a change in our fiscal system. He wished to see Free Trade within the British Empire, Free Trade with all the rest of the world who would extend similar privileges to us, but a 10 or 15 per cent revenue duty upon all manufactures and luxuries sent us by countries who continued to tax what we sent them; and then, he thought, we might reasonably look for returning prosperity and reduced taxation. Our one-sided Free Trade had only brought ruin to us. Past prosperity was due, not to our so-called Free Trade, but to steam navigation, iron, railways, and

the electric telegraph; and now that other nations had got these as well as ourselves, we were handicapped by the theories of Mr. Cobden, which all the world, except ourselves, rejected. A system of protection could be abused, no doubt; but it did not follow that every form of protection was wholly wrong. Those who called themselves Free Traders took very diverse views. The hon. Member for Hackney (Mr. Fawcett), for instance, desired to maintain the Indian import duties on cotton goods; but, oddly enough, altogether disagreed with Mr. John Stuart Mill in regard to the protection of nascent industries. Mr. Mill said, and he (Mr. Mac Iver) was quoting from page 525 of the second volume of his *Political Economy* (5th edition)—

“Protecting duties may be defensible when they are imposed temporarily (especially in a young and rising nation), in hope of naturalizing a foreign industry in itself perfectly suitable to the circumstances of the country.”

That, he (Mr. Mac Iver) thought, was a reasonable view. Without more than the briefest reference to the divergent views of Free Traders on the sugar question, he felt that he had shown sufficient inconsistencies amongst the political economists to warrant him in saying that, when they could agree amongst themselves, it would be time enough to speak of the “settlement” of 1846. Meantime, it was no settlement at all, and hardly two people were agreed as to what they meant by Free Trade; but he (Mr. Mac Iver) was greatly indebted to the right hon. Gentleman the Member for the University of London (Mr. Lowe) for a clear and distinct statement of the case which he (Mr. Mac Iver) desired to oppose. That statement he would give in the right hon. Gentleman’s own words, quoting from *The Nineteenth Century* magazine of November, 1878. Criticizing the address of Mr. Ingram at the Dublin meeting of the British Association, who seemed to think that what he called “Sociology” embraced truths beyond political economy, the right hon. Gentleman (Mr. Lowe) said—

“Experience shows that in order to solve the question on which the science—political economy—turns, all that was wanted was the knowledge that the ruling passions of mankind were wealth and ease:—

Search, then, the ruling passion; there alone
The wild are constant and the cunning known,
The fool consistent, and the false sincere;
Priests, princes, women, no dissemblers here.”

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That was, as he (Mr. Mac Iver) understood it, the case really put forward by the followers of the late Mr. Cobden. But he (Mr. Mac Iver) thought there were other and still stronger motives which governed men, and that the right hon. Gentleman had not indicated the basis on which sound political economy rested, but only the great central fallacy round which the teachings of our so-called Free Traders revolved. The case on behalf of agriculture he (Mr. Mac Iver) left entirely in other hands; but it seemed to him that the hon. Member for Mid-Lincolnshire (Mr. Chaplin) might fairly be congratulated upon the character of the opposition offered to his Resolution. The Amendment of the hon. Member for Tralee (The O’Donoghue) was framed in charming forgetfulness of the circumstance that what he said “can never be” already existed. In point of fact, there was already considerable taxation upon the food of the people, and taxation some of which he (Mr. Mac Iver) thought should be done away with. We taxed tea and coffee, even from our own Colonies; and in India we taxed salt. Food taxation was undesirable; but it might, nevertheless, be the lesser evil; and he would be a bold man who would to-night rise and say that the agricultural interests of Great Britain and Ireland had no new conditions to contend against. The greatest of political economists, Adam Smith, had been entirely mistaken in this respect. Conditions which he could not foresee had arisen, and it might be well to recall how signally his predictions had been falsified. The following quotation from *The Wealth of Nations*, book iv., second chapter, showed how utterly wrong Adam Smith had been in regard to cattle:—

“If the importation of foreign cattle, for example, was made ever so free, so few could be imported that the grazing trade of Great Britain could be little affected by it. Live cattle are, perhaps, the only commodity of which the transportation is more expensive by sea than land.”

And on the next page were the following statements, which were equally wrong in regard to grain:—

“Even the importation of foreign corn could very little affect the interests of the farmers of Great Britain. Corn is a much more bulky commodity than butchers’ meat. A pound of wheat at a penny is as dear as a pound of butchers’ meat at fourpence. The small quantity

of corn imported, even in times of the greatest scarcity, may satisfy our farmers that they can have nothing to fear from the freest importation."

But the Amendment of the hon. Member for Forfarshire (Mr. J. W. Barclay) was of a remarkable character and entitled to some special attention. Members were sometimes too much the mouthpieces of the particular party clique whom they might happen practically to represent, and he ventured to say this was precisely such a case, and that this Amendment was not really in accordance with the views of the hon. Gentleman whose name it bore. The hon. Member for Forfarshire (Mr. J. W. Barclay) knew something of grain-carrying steamers. It was only a few weeks ago that he had, within these very walls, been urging upon him (Mr. Mac Iver) a view altogether inconsistent with this Amendment. The hon. Member (Mr. J. W. Barclay) believed that grain would ere long be brought across the Atlantic regularly for 4d. a bushel, and leave a profit to the carrier; and if any outward freight were obtainable, he (Mr. Mac Iver) was inclined to think he was not far wrong. The original rate for bringing cattle from New York to Liverpool was £12 a-head, but it was now being done for 50s. to £3. Did the hon. Member (Mr. J. W. Barclay) seriously contend—in the words of his Amendment—that—

"The conditions and restrictions imposed on the cultivation of land in this country prevent farmers from competing successfully with other nations in the production of food, and, with the recent bad seasons, fully account for the depressed state of agricultural interests?"

He (Mr. Mac Iver) desired to refer briefly to words used by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) in a speech a few months ago to his constituents. He ventured to think the right hon. Gentleman was wrong in describing the policy of those who objected to one-sided Free Trade as a policy of "thieving." He thought, also, that the right hon. Gentleman the Member for the University of London (Mr. Lowe) was unjustified in using the acrimonious language which he had done towards Mr. Wallace, the naturalist. Mr. Wallace's article in *The Nineteenth Century* magazine, which the right hon. Gentleman thus criticized, was a perfectly reasonable one, and

failed only as regarded those business details of exports and imports which none but persons actually engaged in commerce would be likely to know. The right hon. Gentleman himself (Mr. Lowe) was further wrong; for, surely it was not the case—as stated by him in endeavouring to answer Mr. Wallace—that nine-tenths of the people of this country were the consumers. He (Mr. Mac Iver) thought that, in point of fact, nine-tenths of the people were, or wished to be, "producers," and that it was but the remaining tenth who were consumers only. The working man required work and wages; but that was precisely what our so-called Free Trade system took from him. We offered him cheap bread instead, but left him no money to buy it; and then the Free Traders told him it was all for his good, and that he was one of those consumers to whom the great work of Mr. Cobden had brought such blessings. But the working man, unfortunately for himself, required to produce in order to get wages that would enable him to buy this cheap food; and this was precisely what the excessive foreign competition which Mr. Cobden and his followers brought upon us rendered every day more difficult. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) must have thought his own friends had "no logic," when he ventured to write to them, as he had done the other day, that—

"But for our free imports the price of bread would be more than double, the price of sugar would be more than three times its present price, and the price of cheese and bacon would be double, or nearly so."

Such assertions were, he (Mr. Mac Iver) thought, unreasonable on the face of them. Even Birmingham Radicals knew perfectly well that there might be some middle course between the abuses of Protection on the one hand, and the abuses of Free Trade on the other. There was a middle course even as regarded the language of the right hon. Gentleman the Member for Birmingham (Mr. John Bright); for this letter, although inaccurate, was polite, while his former communication, in which he described all those who were opposed to him as "simpletons without memory," was scarcely either accurate or polite, although, perhaps, not so entirely unworthy of anybody

calling himself a statesman as the letter which he wrote the other day in regard to Tories in general, and a Barrow Conservative, of the name of Smith, in particular, in which he (Mr. John Bright) made use of the expression that—"He did not know which was most apparent amongst the Tory speakers—their ignorance, or their faculty for lying." He (Mr. Mac Iver) admitted at once that the right hon. Gentleman the Member for Birmingham had lost none of his old power of invective. Strong language, however, was the fitting accompaniment of a weak case; and to-night it would be necessary for the right hon. Gentleman, and those who thought with him to bring forward serious arguments, if they had any.

THE O'DONOGHUE: Sir, I do not think I can do better than commence the very few observations I have to make by reading the Amendment of which I have given Notice, which has been for some time on the Paper, and on which I shall, at the proper time, ask the judgment of the House. The Amendment is—

"That, while this House fully recognizes and deeply deploras the widespread distress prevailing amongst the occupiers of land throughout the United Kingdom, and most earnestly desires to do all that can be done to remedy this distress, the House thinks right to place on record its conviction that no attempt can ever be made to alleviate the distress amongst the occupiers of land by imposing any restrictions direct or indirect upon the importation of food in any shape."

It is not my intention to propose that my Amendment shall be substituted for the Motion of the hon. Gentleman the Member for Mid-Lincolnshire (Mr. Chaplin). What I shall ask the House to do will be, after adopting the Motion of the hon. Gentleman, to add my Amendment to it as a deliberate and solemn expression of the opinion of this House upon a great question of public policy. The aim of that policy may briefly be stated to be this—to do all that legislation can do to place cheap food within the reach of the millions of the United Kingdom. No one, I imagine, will dispute the statement that we are bound to adhere, with inflexible rigidity, to that policy; or will charge me with exaggeration, when I say that the slightest departure from it would constitute the most unpardonable perversion of the functions of a Legislature. It is, unfortunately, true that at a period not by any means remote, Par-

liament, when completely under the control of a class, was chiefly occupied with schemes for enhancing the price of food. Now, Sir, I submit that we cannot do anything which will more effectually establish our claim really to represent the people than to place on record, without a moment's delay, and in terms the most explicit, our determination never to return to a system which, to state facts perhaps somewhat bluntly, but I contend with the most perfect truth, put nations upon short commons in order that the landlords might get the rents they wanted. The time is most opportune, and many circumstances imperatively call for a declaration of opinion on the part of the House, such as that embodied in my Amendment. The agricultural interest throughout the United Kingdom is, to use almost the very words of the Motion of the hon. Gentleman, in a depressed condition. The universal recognition of this fact is of vast importance, as it must limit any controversy that may arise to deciding upon the best means of relieving the distress. I say to the hon. Gentleman—"I see as clearly as you do the distress among the occupiers of land. I am as anxious as you can be to come to their assistance. I most earnestly desire the appointment of a Royal Commission, which I hope will thoroughly investigate the causes of the agricultural depression, and prepare an adequate remedy; but, as the antecedents of your Party lead me to suspect that they contemplate trying to relieve agricultural distress by imposing restrictions upon the importation of food, I must respectfully invite the House, at the very outset, to take a course which will satisfy all that to do this is simply impossible." The unequivocal avowal of the great principle of government, which my Amendment includes, will for ever get rid of the delusion that Parliament will make food dear in order to insure the prosperity of the owners and occupiers of land. If hon. Gentlemen opposite are not thinking of something of this kind, I cannot conceive, when I recall the history of their Party, what they can be thinking of. By way of improving the condition of the farmers, they aspire to be considered the special friends of the farmer; but all they have ever done in support of their pretensions amounts really to this—from time to

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time they put forward Members of their body who make interminable speeches, crammed with statistics, giving the prices of various articles of produce at different periods, full of advice to the farmers, of which the sum and substance is this—Not to be too lazy, to work harder and more skilfully, and thus be able, in the face of the greatest competition, to pay whatever rent the landlord requires. The climax has generally been reached when some Tory Member brought forward a Motion somewhat similar to that we have before us to-night; but, so far as the farmer is concerned, these proceedings have never been productive of the smallest beneficial result. Against the professions of hon. Gentlemen opposite we have the actual condition of the farmer, which speaks eloquently of the interest taken in him by those who are responsible for his condition, inasmuch as, being the predominant influence in the Legislature, they have used their power for the establishment of a law system which enables them to deal with all the land of the United Kingdom for their exclusive benefit. The farmer has no security of tenure. If he invests his capital, he does so at the risk of having the profits of the investment appropriated wholly, or in part, by the landlord; while every provision is made for the farmer's rapid displacement, should the landlord wish to get rid of him, with or without a cause, or should he break down by some fault of his own, or owing to circumstances over which he has absolutely no control. Now, Sir, it appears to me perfectly clear that we shall soon be in the presence of a state of things which will virtually affect the position of the occupiers of land throughout the United Kingdom, and materially diminish their paying power. The causes to which I refer are already partially in operation. No doubt, the hon. Gentleman the Member for Mid-Lincolnshire sees what is passing, and what is about to happen, as plainly as I do; and, beyond all question, it is his realization of facts, personal and prospective, that has prompted him to bring forward this Motion for a Royal Commission to inquire into the causes of what he describes as the depressed state of agriculture. The state of things to which I have referred, and which I contemplate, is the pouring into our ports of extraordinary supplies of

food—extraordinary in quantity, as well as quality—which comprise everything for which there is a demand, from regions whose resources have long been known to be illimitable, but which till recently were held to be so remote as to be far beyond the range of serious competition with us. But, Sir, science has developed such facilities of transport as practically to annihilate distance as a barrier to the interchange of commodities between nations, and we may look forward to supplies which will only be limited by the enterprising spirit of a people whose zeal and genius in money-making have never been surpassed. For my part, I regard the prospect of abundance that is opening up before us with unqualified satisfaction. When I think of the swarming crowds in the towns and cities of England and Scotland, of the wonderful increase of population, of the totally insufficient quantity of the food we ourselves produce, it strikes me that there is something providential in this sudden turning on of a food supply which is certain to be abundant and un-failing, at least in articles of what I may call daily consumption. In Ireland, where our population is thin, abundant food will come in aid of miserable wages and precarious employment. Frequently during the last few years have I heard poor men fervently thank God that food was not as dear as it had been. Think of the joy that would fill their hearts at the thought of their homes being firmly secured against the approach of hunger. Fancy the frenzy that would come upon them on hearing that the food which was on its way to their doors had been stopped by the orders of their Representatives in Parliament, and that that had been done in order to insure high rents for the landlord class. Sir, it is humiliating to admit that there are amongst us those who regard with apprehension—with positive dread—the probability of a plentiful supply of food being placed within the reach of the people of these countries. These persons are represented by the hon. Gentleman the Member for Mid-Lincolnshire and his Friends. Well-stocked markets lessen the value of what the farmer has to sell, diminish his rent-paying power, call for the lowering of rent; and this is what the hon. Gentleman the Member for Mid-Lincolnshire refers to, under the cloak of euphemism, as “agricul-

tural depression." The object of the Royal Commission which the hon. Gentleman the Member for Mid-Lincolnshire and his Friends wish to obtain is neither more nor less than to devise some plan by which the payment of rents can be made easy. I say to the hon. Gentleman and his Friends—"By all means, inquire how this can be done, but start upon your investigation with this fact well impressed upon your minds—that the people of these countries will never consent to your providing the landlord with his rents by imposing restrictions of any kind, or to any extent, upon the importation of food in any shape. You will stand alone in your demand for Protection for agricultural produce." In dealing with this matter, the farmers can hardly be looked upon as responsible agents. You can impose impossible rents upon them, and punish them for not paying; but I was glad to see that, at a meeting of farmers held in London, on Wednesday, a gentleman, who wanted to dilate on Protection, could not even get a hearing. Sir, the present question will be cleared of a great deal of misleading ambiguity by a timely recognition of the truth that agricultural depression means inability, in the presence of severe circumstances, to pay high rents. The rent question will become a grave one, more especially in Ireland, where the overwhelming majority of the tenants have agreed to their present rents only under compulsion. They had to choose between accepting the landlord's terms or eviction, which entailed instant ruin; and, naturally, preferred the alternative that, at all events, gave them a chance of surviving till happier times. The circumstances attending the letting of land in Ireland are thoroughly appreciated by the general community, and have begotten a feeling of universal sympathy for the tenant and of aversion to the landlord, who, it is felt, has been exercising an unjust power. This it is that has led, and will lead, to great tenant right meetings in Ireland, and to the use of strong language, as well in denouncing the injustice of which the tenants are the victims as in endeavouring to inspire them with courage for the assertion of their undoubted right. Sir, the real—the only—method of dealing with the agricultural depression is to establish a fair system for the adjustment of rent. The

coalowner, the cotton spinner, the merchants, and the traders of all classes have had to refer disputes involving millions of money—involving the very existence of themselves and their families—to arbitration, and why should the landlord be permitted to say to his tenant—"I shall have what rent I like, or I shall drive you off the land?" Practically speaking, the issue is precisely the same. The farmer wants to retain from the profits of the land as much as will enable him to live; the workman wants to receive from the profits of his business enough for a like purpose. Both landlord and manufacturer strive to take, or to be in a position to take, more than their fair share. The resort to arbitration is supported by a principle whose application is general. One and all admit that a man cannot be trusted to be the judge in his own case, and I am not aware of there being any grounds for concluding that landlords are exempted from the ordinary failings of human nature. That the system of arbitration has only been put in practice under compulsion does not derogate from its excellence. All the constitutional blessings we now enjoy are the result of pressure brought to bear on those who acted as if the world was made for themselves alone. Sir, unless you decide upon a fair system of adjusting rent, the present race of occupiers will be swept away. A temporary remission of 25, 50, or 100 per cent, is only a passing respite. Great difficulties are before us. We must meet them by doing promptly what justice has been long calling upon us to do—that is, to recognize the right of the tenant to the continuous occupation of his land, subject to the payment of a rent to be decided, when necessity arises, by an impartial tribunal. We shall then, Sir, have no need of resorting to the expedients contemplated by hon. Gentlemen opposite; as a protest against which I shall, at the proper time, ask the House to add the words of my Notice to the Motion of the hon. Gentleman the Member for Mid-Lincolnshire.

Mr. BENTINCK accepted the statement of his hon. Friend the Member for Mid-Lincolnshire (Mr. Chaplin) that he did not advocate a return to Protection; but he could not help saying that a more able and a more powerful speech than the hon. Member's in favour of a

return to protective duties he had never heard. The question of Free Trade now presented itself under new conditions. Formerly, it was discussed under the influence of assertions by Free Traders that all the rest of the world would soon follow their example; but those prophecies had proved singularly unfortunate. Not only had the rest of the world not adopted Free Trade, but protective duties had been steadily on the increase in other countries, and were likely to go on increasing. As a consequence, perhaps, the Free Traders had changed their tone. They had abandoned argument, and resorted to assertion and vituperation. They gave it plainly to be understood that those who differed from them were idiots. If, however, Free Traders were right in their opinion, they must put down the greater portion of the population of France, Germany, and the United States as idiots also. The Free Trade policy amounted to this—that England was to give everything, and receive nothing. For his own part, he held that the wealth of a thousand worlds would not suffice to maintain a country which acted upon such a policy. In connection with this question there were several misapprehensions which he wished to clear up. One was that the Anti-Corn Law League aimed at obtaining cheap food for the million. What they really wanted was cheap labour for themselves. There was no greater fallacy on earth than that which was contained in the words "cheap food." It was a fallacy in the sense that it misled the judgment and good sense of the people of this country. There was no such thing as cheap food in the abstract, and taking as the test the price of a pound of beef or a loaf of bread. What constituted cheap food was this—whether the labouring population—the great mass of the people—were or were not in a position to become possessed of that food. A story which he had heard gave point to that remark. It was an Irish labourer, who, coming to Liverpool, was asked to pay 1s. a-dozen for eggs. He replied that he could get them for 6d. a-dozen in Ireland. The shopkeeper retorted, "Why don't you go to Ireland and get them, then?" when the Irishman answered, "Sure, and who is to give me the 6d. there?" This reply contained the whole gist of the matter. They

could not attempt to make cheap food by lowering prices, for it was a fallacy to do so. Labour must be paid out of capital; and if they did not do their best to increase the capital of the country, they were not doing their best to better the position of the labouring classes. Another great fallacy lay in the fact that Free Traders always professed to benefit the consumer; whereas, in order to make a country prosperous, it was necessary to benefit the producers, because the producers embraced nine-tenths of the human race, whereas the consumers, apart from the producers, were a very small class in the community, not more, probably, than one-tenth of the whole. Therefore, Free Traders, for the sake of benefiting the one-tenth who produced nothing, starved the other nine-tenths. Another curious fact connected with Free Trade was this. The late Sir Robert Peel gave the Irish Famine as the reason of his sudden conversion to Free Trade. When he repealed the Corn Laws in 1846, he imposed a 5s. duty for three years upon wheat imported into this country, which duty was in force during the whole period of the Famine; whereas, under the old sliding-scale system, wheat would have been imported into Ireland free of duty. It had been one of the great objects of Free Traders to confound protective with prohibitory duties. He was an old Protectionist—he was a Protectionist still, and the longer he lived the more reason he found for believing that the principles he held were right and sound. But, while he was a Protectionist, he was entirely opposed to prohibitory duties, than which, he believed, nothing could be more ruinous to a country. When the French Treaty was under discussion, in 1860, they were told that Free Trade had achieved a triumph in the conversion of a French Emperor. But the French Emperor really only became a convert from prohibitory to protective duties, and those much higher than any man in his sense ought to advocate. A great change had come over the country lately. Formerly, they were always told that the condemnation of Free Trade doctrines came solely from the rural districts. But now it came from the towns. His hon. Friend the Member for Birkenhead (Mr. Mac Iver), though he refused to admit that he was a Protectionist, had made a forcible

speech in favour of protective duties. One thing, at all events, was clear; they must either have Protection or Free Trade. Partial legislation would not do. We are now mainly dependent on foreign countries for corn; but in the event of a war, say, with the United States, our home resources would be wholly insufficient; whereas, under the old protective system, we always had a supply of corn enough for the consumption of two years, and were put beyond the risk of finding ourselves in a state of actual starvation. It was to be remembered that we lived from hand-to-mouth much more now than formerly, and that there were certain conceivable circumstances in which we might be unable to feed our population. It was evident that protective duties would remedy that defect in our economy. The advocates of Free Trade might jeer at the notion of Reciprocity; but he could quote the opinions of very eminent men, whom no one could afford to despise. Adam Smith had expressly said that there was a case in which it was proper to adopt a policy of Reciprocity,* and that was when a foreign nation restricted, by prohibitory duties, the importation of some of our products. There might be good policy in a retaliation of that kind, where there was a probability of procuring a repeal of the high duties. Besides that opinion of Adam Smith, he would mention another dictum of a great authority, the late Mr. John Stuart Mill, who had said—

“The country cannot be expected to renounce the power of taxing foreigners, unless foreigners in return will practice the same forbearance. The only mode in which the country can save itself from being a loser by the revenue duties imposed by other countries on its commodities, is to impose corresponding revenue duties on theirs.”

One very considerable difficulty told against the advocates of Protection in the present day, and that was the fact that so many men who held influential positions in the country had, to use a plain word, “ratted” on the question. They included in their ranks the present and the late Prime Minister. Now, however easy it might be to induce a man to “rat” once, it was all but impossible to get him to do so twice; and it was a hope, not likely to be justified by the event, that those distinguished men, whose opinions had been so lightly changed in the first instance, might re-

peat the process in their more mature years. He would only add that he trusted the Government would recognize the gravity of the situation, and that he had desired to make his protest against what he believed to be a mischievous system.

MR. R. W. DUFF: The hon. Gentleman who has just addressed us tells us he is an “old Protectionist.” I do not think the House will disagree with his definition of himself; but it is the only part of his speech I am able to agree with, and I am rather astonished that an hon. Member who generally expresses so much confidence in our Navy should be apprehensive that, in case of our being at war, we are likely to be “starved out,” as surely this cannot happen unless we lose command of the sea? However, I like an opponent who has the courage of his opinion, and, unlike the Mover of the Motion before the House, the hon. Gentleman tells us outright what he wants, and thinks the only cure for the present state of things is a return to protective duties. Well, Sir, I will not occupy the time of the House discussing a point which the Mover of the Motion himself repudiates. The Motion standing in my name proposes that this Commission, if granted, should inquire into the operation of the laws relating to the entail and settlement of land. In common with many hon. Members on this side of the House, with, I believe, a few hon. Gentlemen opposite, and with many practical agriculturists and writers on political economy, I consider that many of the evils the country districts are suffering from are due to the operation of the Laws of Entail and Settlement. These laws prevent the application of capital to the soil, and, consequently, retard the progress of agriculture, and they prevent estates that would otherwise be sold from coming into the market. Now, Sir, I am making no attack on large estates. I willingly admit that in many such are to be found land admirably farmed—good buildings and well-cared for farm labourers—in fact, if I wanted to find a model of farming, I should be inclined to look for it in an estate where the landlord made all the permanent improvements, and left his tenant his capital for all the purposes of high modern farming. But how many large estates do we not all know where a different state of things prevails, where, from various circumstances arising

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out of the Law of Entail, the landlord is not able to do justice to his property? Take the case, so often referred to, of a limited owner with an encumbered estate and a large family. If a tenant ask for repairs his landlord tells him—"I have done enough for my next heir; you must just work away as best you can." Hence the tumble-down buildings, the undrained fields, and the miserable hovels for labourers, which have brought discredit on so many entailed properties. Sir, I maintain that it is by removing these grievances that landowners who are rich enough to enjoy the luxury of land are likely to strengthen their position. There is no class more interested in reforming the Land Laws than landlords themselves. Another aspect I would ask them to look at this question from is this—would it not be an advantage to have more landed proprietors? Land is confined to a class numerically small. In Scotland, certainly politically weak, and in England under an extended county franchise not likely to be very strong, we hear constantly, with a certain amount of truth, that there is a desire to throw burdens on land. Would it not be an advantage to have more proprietors to defend the land from these burdens? In the county I have the honour to represent (Banffshire), there are only 36 owners of land of over 50 acres, although the county contains 407,000 acres. Speaking as a proprietor, I should be glad to see that number trebled or quadrupled. I shall, no doubt, be told that if land came into the market it would be bought up by some great local magnate. In some cases, no doubt, that would be so; but, at the same time, land having no special sporting or residential attraction, if put in the market in lots of 200 or 300 acres for agricultural purposes in many parts of the country, would readily find purchasers. I therefore maintain that the alteration of the law, while it will not injuriously affect those who wish to keep their land, is calculated to produce an increased number of proprietors. I am not for a moment advocating the system of peasant proprietors, as I think it alike unattainable and undesirable. We have been told by Mr. John Stuart Mill that sales by the rich to the rich are of comparatively small importance; but what I want to promote are sales by the poor landlord to the rich man. Legis-

lation which promotes this must be beneficial to the land. The more marketable you make land the better for everyone connected with it. I know it is not entails and settlements alone that render land unsaleable; it is the expense of conveyancing and the uncertainty as to what it may cost and the time it may take to complete a title that prevents men of ordinary means from purchasing land; but the land must be freed from entail and settlement before it can come into the market. Now, I want to know in whose behalf these entails are made? They certainly do not benefit the limited owner. If we are to judge by resolutions of agricultural associations, they are certainly unpopular with the farmer. They do not meet with approval from the general public. Then whom do they benefit? Why, Sir, the lawyers, and, as far as I can make out, no other human being. An interesting work, no doubt well known to many hon. Gentlemen, entitled the *The Reign of Law*, has been written by one of our leading Liberal statesmen. A work bearing a similar title, and showing how everyone connected with land is governed by his lawyer, would be equally instructive, and yet remains to be written. Now, Sir, I am not going to be so rash as to attack the learned Profession, I am only condemning a system which has formed the theme of much eloquent declamation on the part of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt), and other eminent learned Gentlemen in this House. In 1872 there was a debate on the entail and settlement of land on the Motion of Mr. W. Fowler, then Member for Cambridge, and Mr. Wren Hoskyns, well known for many years in this House, expressed himself in these terms—

"As to the efforts to facilitate the transfer of land, they were necessarily fruitless as long as land was rendered an untransferable article by 60, 70, or possibly 90 years' old charges, which had to be thoroughly examined prior to a transfer. Lawyers seemed to regard land as if its only use was for settlements and entails, just as Mr. Robert Sawyer in *Pickwick* could never see a well-turned arm or handsome leg but he looked on it in the light of a subject for amputation." —[3 *Hansard*, ccx. 1016.]

And this state of things, Sir, still continues. Lawyers live upon we unfortunate landowners, with charges for title deeds, uselessly long drawn leases, improvement bonds, drainage rent charges;

they fatten upon all these during our lifetime, and after our death they squabble over settlements they themselves have made, and half ruining our successors with executory charges. A Committee has been sitting to inquire into the system of registration of land, and they have been peering into what the right hon. Gentleman the Member for the University of London (Mr. Lowe) has happily termed a "mausoleum of parchments." Until land is freed from the power of being settled beyond the lives-in-being, it will never become a marketable commodity. The hon. Member for Mid-Lincolnshire (Mr. Chaplin) is moving for a Royal Commission to inquire into the depressed condition of agriculture. Would it not be well to pay some attention to the Reports of previous inquiries into rural affairs before seeking for fresh information? Now, in the Library are to be found the Reports of the Commissioners and sub-Commissioners appointed to inquire into the condition of agricultural labourers. They were unanimous in attributing the bad condition of labourers' dwellings to the strict Law of Entail and Settlement. Mr. Culley says—

"It is too evident that the great cottage difficulty is the poverty of the landowning class, the proprietors of heavily burdened estates who, in the present state of the law, are unable adequately to discharge the duties of ownership, either to their estates or to the public.

The Report teems with similar passages. I will not trouble the House by reading; but if, in 1870, in the opinion of Mr. Culley, the owners of land were not able to do their duty to their estates, are they likely to be able to perform that duty better now? What is to happen to owners of comparatively small estates then? These properties are already heavily burdened. Farms are thrown on their hands; they have no power of raising money to stock them. Is the owner to adopt the words of the nobleman who, in the days of rotten boroughs, inquired, "have I not a right to do what I will with my own," shut up his house, lock his door, and allow his land to lie fallow? Do not hon. Gentlemen opposite think that if this is to be done on a large scale, it will be likely to raise questions about land that most of us would be glad to see lie dormant during our time? And I maintain, Sir, that the policy under such circumstances is to be wise in time, and give to limited owners a greater

power of managing their estates, or you will have, as Lord Derby predicted, an Encumbered Estates Court for other parts of the Kingdom besides Ireland. It is useless hon. Members coming down here and assuring us that land in England is generally well-managed, when we have such Reports as that of the Lords' Committee in 1873, signed by the Duke of Richmond, Lord Salisbury, Lord Egerton of Tatton, and other large owners, assuring us that out of 20,000,000 acres of land only 3,000,000 is properly drained. We have the testimony of Mr. Caird and other high authorities, and my own limited experience as a landlord for the last 25 years certainly bears it out, that no improvement pays better than well-executed drainage. Have not the general public an interest in inquiring why is land so mismanaged? I attribute this entirely to want of capital, brought about by the operation of the Law of Entail. In this House are many hon. Gentlemen connected with business. Let me ask any of them, be they bankers, merchants, shipowners, or railway directors, how would their business get on if they were told—"There is your income, you must conduct your business on that; but not one shilling of your capital shall you touch; that is to be reserved for your great-grandson;" do hon. Gentlemen think their business would be very profitable? Yet that is the position you put limited owners in. The folly of this system has been seen for many generations. A hundred years ago, Mr. Burke writes—

"Agriculture will not attain any degree of perfection till commercial principles be applied to it; or, in other words, till country gentlemen are convinced that the expenditure of a small portion of capital on land is the true secret of securing a larger capital by insuring increased returns."

I think, therefore, Sir, I am borne out by some high authorities in attributing the want of the application of capital to the soil to the operation of the Law of Entail. I may be told that money can be borrowed from improvement companies; but as long as these companies that lent the money paid a dividend of 10 per cent, was that likely to be an economical transaction for the borrowers? If we are to have this Royal Commission, it should certainly inquire into this branch of the subject. When the question of entail was before Parliament in 1872,

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the right hon. Gentleman the Member for Greenwich, then Prime Minister, said—

"I heartily concur in the opinion . . . that the entire subject of the laws of entail, settlement, and limited ownership, does demand the early and serious consideration of Parliament." —[3 *Hansard*, cex. 1027-8.]

Her Majesty's Government refused to grant the Commission when it was asked for by the Marquess of Huntly in "another place;" but I hope, Sir, that ardent desire to act consistently, which has so marked the character of the Government, both in their home and foreign policy, will not prevent them from granting it now; and if it is to be appointed, its time cannot be better occupied than by inquiring into the operation of our Land Laws; and in begging hon. Gentlemen to include the subject in their inquiry, I would ask them not to resist the Motion in the spirit they have so often resisted measures for their own advantage when pressed on them from this side of the House. I invite them to assist in making the laws relating to land to conform more to the requirements of modern agriculture and the spirit of the age we live in. Under entails and settlements is licked up the capital that might enable a landlord to assist many a farmer out of his present difficulties, and enormously increase the production of the land, to the benefit of the whole people of this country.

MR. CLARE READ: Mr. Speaker, a few weeks ago my hon. Friend the Member for Banbury (Mr. B. Samuelson) moved for a Select Committee to inquire into the operation of the Agricultural Holdings Act, and on that occasion I supported him to the best of my ability. I then said that, in my opinion, if the larger question as to agricultural distress were to be considered, it had better be considered by a Royal Commission, and not by a Select Committee. I may state that I am still of that opinion, and I can assure the House that the same opinion is entertained by the country out-of-doors. The truth is that the public have lost faith in the way in which the Business of this House is conducted, and they imagine that if a question like this is sent before a Committee of the House there will be the same flood of talk there that is found in this Assembly and, consequently, the same obstruction to Business. Now, Sir, hon. Gentlemen will probably say that if you appoint a

Royal Commission the subject will be shelved for a very long time. But it must be shelved under any circumstances till next year, even if it is remitted to a Committee of this House; but I apprehend that a Royal Commission could at once be appointed, so that it may commence its inquiry during the Recess, and if it has not time to go through the whole of its inquiry before it thinks it right to make a final Report, it can make Reports from time to time as it may deem fit. For my own part, I may say that having sat on one Royal Commission, as well as on several Committees of the House of Commons, I should infinitely prefer an inquiry into this subject by means of a Royal Commission, because in the case of such a body you get somewhat above mere Party lines; whereas it is impossible, in the case of a Committee of the House of Commons, altogether to escape the imputation of Party politics. Before I address myself to the main points on which I desire to say a few words to the House, I wish to make a remark in reference to what has fallen from the hon. Gentleman the Member for Banff (Mr. R. W. Duff), who has just spoken. I think there is this to be said about the Law of Entail—that whereas there can be no doubt that it has the effect of keeping large properties together, it also, in some measure, preserves a large number of little estates which would otherwise be swallowed up. Many small owners throughout the whole of England are desirous of entailing their estates as if they were Dukes and Lords. I know it is the case in regard to a number of small estates which I could mention that if it were not for the Law of Entail they would very soon be sold. [An hon. MEMBER: Very good.] Yes; and I say very good, too. But by whom would they be bought? Why, by the next great proprietor, or some leviathan capitalist. For my part, I am willing to admit that I think very large estates are a burden—an actual burden—to the owners, and no particular advantage to the public; but, on the other hand, I know that there are a great many large entailed estates that are particularly well managed, and that are farmed much better than a quantity of small estates that are in the hands of owners, and I contend that those estates produce more food upon the whole than some of the small estates. Now, Sir, the point to which I desire to direct the at-

tention of the House is a practical question with regard to this inquiry; and I would say, although I have not heard much of it to-night, that the almost invariable burden of the song outside the House is this—that in order to meet these bad times we ought to double the produce of the country. On this point I state, without the slightest hesitation, that with our present knowledge of agriculture and chemistry that is altogether and entirely impossible. I do not say this on my own experience only. I would quote from a very able pamphlet recently written by a great chemist—Mr. Lawes—probably the best practical chemist and the most patient inquirer and investigator into agricultural facts of any man living. The pamphlet from which I desire to quote is entitled—*Is Higher Farming the Remedy for Lower Prices?* And this question he distinctly answers in these words—“Higher farming can only be profitable when the price of produce rises and not when it falls.” Well, Sir, I know the House of Commons is not a Farmers’ Club; but I believe that, whenever it does condescend to have an agricultural discussion, it is always willing to hear a few facts and details that are drawn from actual experience, rather than theories and arguments that have no such foundation. I do not like to talk “shop” on such an occasion; but I do hope that you will allow me to bring forward some facts and experiences of my own. With regard to the operation of high farming—that is to say, the application of a larger quantity of manure to the land, the same high authority, Mr. Lawes, says—“Beyond a certain point the increase of the crop is not in proportion to the increase of the manure supplied.” I am quite sure of this; but I would go even further than Mr. Lawes, and say that whereas the first ton of manure you apply to the soil will in all probability do a great deal of good, it very often happens that the last ton of manure you apply does a vast deal more harm than it does good. You cannot tell what sort of weather you are going to have, and the manure that may give a good crop in one year would very possibly do damage in another year. There are thousands of acres of land in Norfolk at the present moment that in consequence of the absence of sun are a great deal too highly farmed—that is to say, that the growth of barley has been stimulated to such a

degree by the immense amount of moisture we have had, that instead of standing up it is lying on the ground under the influence of the first heavy shower it receives. The next point to which I would refer you is this—that the maximum of fertility, especially in the ordinary soils, is very soon reached; but there is very considerable difficulty in maintaining that maximum. Now, I happen to have two farms. One of those farms has been farmed well for generations; and although on that farm I certainly grow more acres of corn and keep a good deal more stock than my predecessors, I have the greatest difficulty in augmenting the yield per acre. On the other farm which I took some years ago, when it was in a most dreadful state of filth and poverty, although I drained it and steam-cultivated it and manured it very heavily, I have not been able to increase the production more than 50 per cent, and I believe that if, during the last four years, you were to subtract from that increased produce the amount of manure and the feeding stuffs I have used on the farm, I have hardly increased the produce at all. Now, Sir, let me turn to the hindrances to the application of capital, particularly in the cultivation of the soil. This is a point that I have mentioned on several occasions in this House, and I do not wish to say much about it to-night; but, at the same time, I may repeat the opinion I have previously expressed with regard to those hindrances, that they ought to be removed. I maintain that opinion still, and I shall always be ready to maintain it on future occasions. But might I venture to quote my own experience, where no hindrances of any kind exist? I pay for my farms what may be called a very moderate rent—some persons might even call it a very cheap rent; but I do not at all believe in cheap rents in these times. However, I cannot say that I am at all over-rented, and I would remark that I have in one case the most ample security, and in the other the most perfect faith in my landlady. I am not troubled with ground game, but have plenty of partridges; if I want buildings, I can get all I want by paying 5 per cent; I have the most absolute freedom of cropping; and I may add that I treat the land precisely as if it were my own. But if it were really my own, there would be this dif-

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ference—that whereas I now pay the owners something like 3 per cent, and they have to pay the outgoings and keep the buildings in repair, if the land were my own property I should certainly want 4 per cent, and I should also have to pay all these outgoings and keep the buildings in repair. Therefore, I am quite contented with my position, and I do not want to invest in land even if I had the means. I do not like to parade my losses before the House, for I shall most likely be taunted by someone who will say that I come to the House to attend to other people's business, and neglect my own farm. There may be some truth in this, and in the further remark that it may injure my credit at my bankers, where I may want to overdraw my account before the harvest. But I must add that, during the last four years, notwithstanding that I have done all I could to grow good crops, and have spared nothing in the way of expenditure—because I have £15 per acre invested in the land, and considering that I am put to no expense in regard to fixed machinery, and that I have no pedigree stock or prize cart-horses, I think that is ample—yet, notwithstanding all this, I have, somehow or other—I will not call it—lost; but, at any rate, the balance is £2,000 against me during that period. I have said I would not call this lost. Farmers never think the money they spend on their farms lost—they say it is in the land, and it will all come back—and, for my own part, I hope I shall find it; but I do not expect it. Well, Sir, we are told there is another remedy for the present low prices, and that is that we should keep more stock. But if you keep more stock on arable land, it means that you must provide them with a large quantity of artificial food, and its consumption on arable land very seldom pays. Indeed, it hardly ever pays when you winter graze bullocks; and, as a rule, we find that at least one-fourth of the artificial food must be charged on the increased value of the manure, and we look for the profit in the increase of the corn produced. If the corn crops do not pay, and the beasts do not pay, it must be altogether a losing business. Another thing that we are often told is that we must drain the land. The hon. Gentleman the Member for Banff (Mr. R. W. Duff) has quoted figures which he says

are from the Lords' Report on this matter; but I think it is simply the opinion given by Mr. Bailey Denton.

MR. R. W. DUFF: I quoted from the Report of the Committee.

MR. CLARE READ: Then that Report is, I fear, monstrosly wrong. Twenty millions of acres of land undrained! Where are they, I should like to know? Are they in England or Wales, or does the calculation include Scotland? Only 3,000,000 acres drained, and 20,000,000 still requiring draining in this Kingdom!

MR. R. W. DUFF: Land not properly drained.

MR. CLARE READ: They were not drained by Mr. Bailey Denton—that is what you mean. They are not drained by the Government money, or by those different drainage companies we have heard about. That is what is meant by some of these witnesses by land not being properly drained. I confess I am quite staggered by these figures. Why, how many acres of land are there under cultivation and how many under grass in the United Kingdom?

MR. R. W. DUFF: 47,000,000.

MR. CLARE READ: Well, Sir, I think it is 32,000,000. Is not half the land in England light land that never has been drained, and that will never want draining?

MR. R. W. DUFF: Grass land.

MR. CLARE READ: Perhaps the hon. Gentleman will look at the Agricultural Returns, which show the total acreage in crops, bare-fallow, and grass, in Great Britain, which is, I say, in gross, barely 32,000,000 acres, or, in exact numbers, 31,854,532 acres. As to the advantages of drainage I should be the last to deny them; but I would add, let hon. Members go to Kilburn and see what are the advantages that have been derived from drainage there. That land has been perfectly drained, and that only very recently, and yet it is a perfect quagmire. Therefore, when you tell me that the panacea for the present distressed state of agriculture is to be found in the drainage of the land, I reply that in a season like this drainage is of comparative little use. If I may be permitted once more to refer to my own experience, I may say I had a field last year that had been perfectly drained. It had been steam cultivated in the autumn, folded in the winter, was topped,

dressed and sown with barley; but in consequence of the cold weather and the immense quantity of wet we had last year, I grew the astonishing amount of $2\frac{1}{2}$ quarters per acre upon it. It was damaged by the wet harvest, and offering it for sale I was bid £1 per quarter for it. Well, I would not take that; so I gave it to the bullocks, and as the bullocks did not pay I lost everything. And now, Sir, I come to the question of rents. We have been told that rents are too high, and in a great many instances this is correct. Rents are too high in certain districts; and in the great majority of instances where they have been recently raised they ought to, and eventually will, come down. In the case of those noblemen and gentlemen who have recently employed professional aid in having their estates re-valued, and who have taken advantage of the improvements of the tenants, I do not doubt that the rents are too high, and I should be glad to see them reduced. But it ought to be recollected, in reference to this subject, how small a proportion the rent under high farming bears to the other outgoings. It used to be said, in the olden time, that if a tenant only made three rents he was pretty well off; but I maintain that if on arable land a high farmer does not turn over five rents he cannot live. You have your rates, your tithes, and your taxes, which are at least one-fourth of the rental, and then you have your labour on your arable land, which I am sorry to say sometimes come to 50 per cent above the rent of that land; and if I might diverge from the point one moment I would say how cheerfully I pay the advance that has taken place in wages, but, at the same time, how bad and how small in quantity is the work I get for the money. Whereas, during the last nine months, we farmers have been at our wits' end to find employment for our people, and have been keeping them on when they have not been earning 1s. a day, I shall not be surprised when the busy time does come—and it will be a busy time when the sun thinks proper to shine—I shall not be at all surprised, not only that they will not put out their full strength, but if some of them were to strike. Well, Sir, we have also to provide manures and feeding stuffs, and these are quite equal to the rental, and sometimes more than equal. If you

cannot reduce your outgoings in proportion—if you were to take 20 per cent off the rent—there would still remain the other four-fifths, the loss on which would still fall on the tenant. Now, then, I come to what I must call the great delusion that exists as to doubling the produce. Why, Sir, you might just as well say that because I have a horse that can trot 10 miles an hour I can make him go 20. It is a total impossibility. If you were to apply the idea to France or America, there might be some truth in it. We grow twice the yield of France and three times that of America. When we come to find an authority for this assertion as to doubling our production, we see that Lord Derby once made that foolish statement; but I think I am right in saying that Lord Derby is about as much an authority on agriculture as I should be on foreign affairs. The other day, when he made a speech at a meeting of Lancashire farmers, in Liverpool, he did not repeat that statement. The truth is that he was such a thorough going wet blanket that he could not even give them that bit of encouragement; doubtless he had been told something about the impossibility of the thing. But there is one man whose opinion on agricultural matters I greatly value, and who has been taxed with having made this statement; I refer to the Lord Lieutenant of my own county, the Earl of Leicester. Among all the goodly array of aristocratic agriculturists we have in this country, he is the best practical farmer that I have ever known, and I do not believe he ever made that statement; but if he did I do not think his Lordship meant to apply the observation in the extended manner in which people have taken it. If he did, I would ask him how it comes to pass, if the produce can be doubled, that he does not grow more corn per acre than his late father? The Holkham estate is probably the best farmed estate in the Kingdom. If there is a better farmed estate I will ask pardon for my assertion, but I do not know where it is to be found, and I know that it is as well and perhaps better farmed than most others with which I am acquainted. I do not believe there has been any increase lately in the production per acre on that estate. In fact, I will venture to say that if you will take the produce of the Holkham estate for the last 10 years and then go back

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to the last 10 years during which it was farmed under the great Coke of Holkham, I believe the advantage would be found to be greatly in favour of the old rather than of the new farming. Now, Sir, there was Mr. Hudson, of Castleacre, who was the best tiller of the soil I ever knew; and in the year 1847, or somewhere about that period, Mr. Caird, as special commissioner of *The Times*, visited Castleacre, and reported generally on the system of Norfolk farming then in vogue. Well, 20 years after that Mr. Caird visited Castleacre again, and I remember the question being asked by him—"Now," he said to Mr. Hudson—"What have you been able to do during the last 20 years. How much have you increased your produce?" I ought here to say that I think Mr. Hudson had, during the greater part of his life, spent no less than £70,000 in artificial food for stock; and he replied—"I have not been able to increase my produce of barley at all; but I have diminished its quality;"—that is to say, he grew a worse sample than before—and he added—"All I have been able to do is to increase the quantity of my wheat to the extent of two bushels per acre." Now, there are many gentlemen who have great faith in Mr. Mechi. Well, what has he done, after having farmed the Tiptree Hall estate so well for all these years, to increase the produce of the soil? I believe I am correct in saying that before Mr. Mechi took that farm the average growth of wheat was something like 30 bushels per acre. Mr. Mechi has loudly proclaimed what he grew in 1868 and 1870, two of the most notable wheat years we have had within the last generation—years, by the bye, which suited the clay land of Essex, but which burnt up the roots and grass and spring corn of Norfolk. Well, I think Mr. Mechi's recent experience is that he grows about 4½ quarters per acre; and after all he has done and expended I do not believe that if his estate of Tiptree were put into the market to-morrow it would realize one quarter of the money that has been spent upon it beyond the natural value of the land—and I am quite certain of this—that if Mr. Mechi were to ask me or any farmer to go over it and fix the amount of rental to be put upon it, I should say that a very fair rent would be 25s. per acre. I will just trouble the House with

one other quotation, and that is from a gentleman, Mr. Beare, who, the other day, wrote in *The Nineteenth Century* a very able article. Well, what did he say? Why, that if you would take away all the legal impediments to the investment of capital in the soil, he was positive that in 10 years the increase would be 50 per cent. Now, this gentleman has been an Essex farmer, and he retired from farming only last year in order to find more general employment in editing newspapers, and work of that kind. If Mr. Beare is so sure of this, he should go into the County of Essex at the present moment, and there he would hear of hundreds and thousands of acres of land to let at almost any price the tenant may please to offer, and on almost any terms he likes. There is, however, another point on which I would, in continuation, say something. Indeed, I should like to dwell on the point. We have been told by many people that the produce of this Island ought to maintain all the inhabitants! Why, Sir, what utter rubbish! I quite agree with my hon. Friend who spoke from this part of the House a short time ago, and who said that "The British Empire" could maintain all its population, and I should be very glad if it were to do so, as I think it would be a good thing if we were to depend more on our own Colonies and less on foreigners for the grain and other produce we consume. But for anyone to tell us that high farming is able to maintain all the population of this country out of the produce of our own soil is to put before us what is a complete delusion. I will endeavour to explain what I mean. If we were to grow more wheat, and if we were to produce a larger quantity of meat, we might possibly feed the people with bread and flesh; but how are we to do this? There are only two ways that I can suggest. I am willing to admit that if you drain your land and have proper tillage so as to keep it clean, that is the way to farm; but I do not call it high farming. It is good farming, what we ought to expect and nothing more, but not high farming. There are only two ways in which you can greatly increase the produce of the land—one is, by the direct application of manures; and the other, by keeping more stock and purchasing food for them. But where is

the manure to come from? We have certainly plenty of coprolites in this country, and, in all probability, our phosphates will not be exhausted yet awhile; but our supplies of nitrogen and ammonia must come from abroad. And, then, where is our feeding stuff to come from? Why, hon. Members know very well that linseed, maize, and other articles required for such food are not grown in this country, but abroad; and, therefore, although I cordially admit that if you could by any possibility import the raw material and manufacture food here, if you could have the manures we require sent hither at a reasonable price, without thinking of the Peruvian bondholders, so that we might have our guano and our nitrate of soda cheaper—in short, if we could have cheap manure and plenty of feeding stuffs, and could manufacture our beef and bread here, that would be a good and a great thing for this country. Yet, on the other hand, I do say that we must still import the raw material from abroad. Well, Sir, we are frequently told that in the agricultural dictionary there should be no such word as “impossible.” I quite agree with that; but there is another word which has exactly the same meaning on this subject, and that is the word “unprofitable.” And when we are told of the hindrances to the application of capital to land, I say that the great and chief hindrance is because the application of that capital to the land will not pay. The agricultural distress that prevails in the country is, I think, now pretty generally acknowledged; even the towns admit that we are not so happy and prosperous as some people imagine we are. The editor of *The Statist*, as we are told by the hon. Gentleman the Member for Mid-Lincolnshire (Mr. Chaplin), admits the loss of the farmers on the produce of the past year to have been £58,000,000 on a farm capital of £667,000,000; but there is a remarkable fallacy in this calculation, which I should like to point out to the House. He puts the capital of the tenant farmers at £667,000,000, which is £14 per acre. I think that that is nearly double what the capital really is. If he had put it at £7, or, at the most, at £8 per acre, he would have been much nearer the mark. If this loss of £58,000,000 is a loss of 8 per cent on the imaginary capital of the farmer at £14 per acre,

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and that loss fell on the real capital of the farmer, instead of being 8 per cent, it would be more than 15 per cent, and I fear that this exactly tallies with what has really happened. The cultivators of strong arable land during the past four years have lost on an average £1 per acre, and, consequently, their capital is reduced one-half. I would ask, where is this distress most prevalent? It is to be found chiefly on the heavy lands of the Midlands, and it is also very great in all corn-growing districts where clay lands prevail. Again, it is in the best-farmed districts of England—and I speak with diffidence before hon. Gentlemen who represent well-farmed counties—in Norfolk and Lincolnshire, that there is the greatest cry of distress. Consequently, I contend that it is the go-a-head men who have spent most who have lost most; while, on the other hand, it is the plodding, careful farmer, who has relied on the natural fertility of the land, who has lost the least. There are the occupiers of grass lands; I do not think they took much harm until last year. Those who have been able to rear stock must have had a small mine of wealth. Then there is the case of the small farmer. I am glad to say that he has not suffered to the same extent as others, and it is very easy to say why. In order that the small farmer should be able to make a living, for many years past he has been obliged to do the work of two labourers and live at the expense of one. He does not feel the great—probably the greatest—drawback of agriculture, which is the increase of the cost of labour. He works harder, and perhaps he lives harder, than formerly; but he does not feel the depression in the same way as the large farmer. I wish there were more small farmers—I believe in them; but I do not think the hon. Gentlemen have any idea of the immense cost it is to the landlord to have to provide the buildings required by the small farmers. Only on Monday last I was asked to look at a small farm next my own parish, and I found that simply to renew the cow-house and pig-stye would cost fully three years' rent. There was a statement in *The Times* of a few days ago, which came from East Anglia, and which gave a most graphic and accurate illustration of the losses sustained on a large arable farm; and Lord Norton, on the following day, wrote

a letter in reply, saying he thought the account must be exaggerated. It is very hard to convince some landlords that there has been any loss at all, especially so when it has been a large one; but I believe that the letter I have referred to contains a perfectly fair statement. It relates to heavy land that will not carry sheep in winter, and which did not grow barley. That sort of land has been very hardly hit. We have had agricultural distress in this country over and over again; but we have never had such a period of distress as is now prevalent. It had become a motto that the period of agricultural distress has in former days been a period of agricultural abundance; but it is not so now. We have had four bad harvests together, and we have had falling prices; and one hon. Gentleman says that these coincidences will not return again. On the other hand, I have not the slightest doubt that bad seasons will return again, and that with bad seasons will come depression in our trade and manufactures, because bad harvests must exhaust the resources of the country, and when they occur we shall have a recurrence of these bad prices. Perhaps, Sir, I may be allowed to say a word or two, before I resume my seat, on the farming of the future. I have not the slightest doubt that if our present financial system is continued—whether we have good crops or bad ones—a very large quantity of arable land in this Kingdom will be farmed at a loss, on account of the increased cost of cultivation. The very light land and the very heavy land must certainly go down in grass. These kinds of land were in grass before the days of the Great War, and were only broken up on account of the high price of wheat. In my day, sheep-walks, downs, and rabbit warrens have been ploughed. They never ought to have been broken up, and the sooner they go down in grass again the better. With regard to what will happen during the first 10 years when they are in grass I will not offer an opinion; but I hope that with liberal landlords and enterprising tenants much may be accomplished. I believe that in the question of the production of milk there is a great future in store for the farmer. I think that we in this country might consume 10 times the quantity of milk we now consume. In many of our large towns there are thousands of

children who never taste milk; and I believe if you could only get 6d. a-gallon for the milk that can be produced on a farm in the summer, and 8d. a-gallon in the winter, that would pay the farmer better than grazing bullocks. As my hon. Friend the Member for Hastings (Mr. T. Brassey) has stated, in the lucid, fair, and interesting speech in which he seconded the Resolution before the House, a large quantity of land might be devoted to the growth of vegetables and fruit; but if you were to add 10,000 or 20,000 acres to the land already so cultivated, you would make a very considerable accession; and if you were to add more it might not pay. Deep friable arable lands that will grow roots and barley, and carry sheep, may, I believe, still pay in tillage. May I be allowed to say a word on the malt tax? My hon. Friend adverted to that topic for a brief space, and he was hailed by a sort of derisive laughter from hon. Gentlemen opposite; but let me tell those hon. Gentlemen that it was Cobden who advocated the repeal of the malt duties; and it was Lord John Russell who said that if he repealed the corn laws he would also repeal the malt tax, but he somehow forgot it. Cobden certainly prepared a Budget in which he proposed to repeal many Excise duties, all of which are repealed except the malt duty, which is still kept on, even with the 10 per cent that was added to it in a time of financial adversity. In the case of sugar, because that is a foreign product, there are many advantages given to it in brewing that are denied to malt. Just let us consider for a moment the way in which the farm labourer is treated with respect to malt and beer. Any man who drinks beer in this country has to pay a certain amount of tax; but the moment the beer or malt goes abroad the whole of the duty is returned. Take the case of Portugal. The people of Portugal come to this country and ask us to reduce the wine duty, and, at the same time, they are imposing a duty of 100 per cent on our beer. The labourers in the Portuguese vineyards drink the wine without any tax at all, while we have to supply our labourers at harvest in this country with beer—and they must either have beer or money—and in the end it is the same thing, because the money is spent in beer—the moment we gather in an acre

of barley we have to pay a proportion of the malt tax. Well, Sir, I believe in my heart that if the present depression continues, we shall, in the end, become a great pastoral rather than an arable country, a state of things that will very much diminish the population of the rural districts, whom I am sure we can ill afford to spare, as I think the towns are greatly indebted to the country for sending in fresh blood. I should not wonder that, in becoming a pastoral country like Holland, we shall become like Holland in another respect—we shall become, probably, the bankers and traders and carriers of the world, rather than its great producers. Sir, I have dilated at greater length than I had intended upon what is mainly one branch of the subject which I wish to see investigated by the Royal Commission. I should be glad to prove my case before them, as well as a dozen other matters that ought to be inquired into by that Commission. In conclusion, I have only to thank the House most sincerely for the great indulgence it has extended to me during a much longer time than I had any idea of occupying. I will only add that I trust Her Majesty's Government will grant the Commission that is asked for; and I would repeat to them, in the language of the present Prime Minister in an address to the electors of Buckinghamshire in 1852—

"We ask for an inquiry into these remedial measures which a great productive interest, suffering from unequal taxation, has a right to expect from a just Government."

MR. JOHN BRIGHT: Sir, I cannot expect that in the observations which I have to make there will be much to interest hon. Gentlemen opposite, as they have been interested by the speech of the hon. Member who has just sat down. But I can promise them one thing—that I shall not go into minute details with regard to the manufacturers of Lancashire, still less with regard to any particular concern with which I myself may be connected. If all the hon. Members in this House connected with various trades in the country were to occupy three-quarters of an hour each by discussing the facts of their own trade, I really know not how Parliament would proceed with its legislative functions with any rapidity or success. I made an observation to my hon. Friend sitting near me, when the hon. Gentleman the

Member for South Norfolk was nearing the end of his speech, to the effect that the hon. Member seemed to be telling us everything about farming, but nothing about the Commission; and it was only, I believe, in the last sentence or two of his remarks that he turned round to the hon. Member for Mid-Lincolnshire (Mr. Chaplin), and made a slight observation with regard to the Commission, which he hoped the Government would not refuse. Now, I do not rise for the purpose of urging the Government to refuse it; but I shall take the opportunity of making some observations upon the question which the Motion of the hon. Member opposite has submitted to the House. His proposition carries us back for a long distance—in fact, further back, I think, than our Parliamentary remembrance will enable any of us to reach; for he takes us back to the period which passed between the year 1815 and the year 1846. Since 1846—and this is a thing to be remembered by hon. Gentlemen opposite, and by those who are suspecting the wisdom of the policy of 1846—since that year until to-night, there has been no proposition, I believe, made to Parliament in favour of a Commission or Committee to inquire into agricultural distress. In the period which passed between 1815, when your old friend Protection was established, until the year when it was abolished, there were at least five Parliamentary Committees to inquire into the distressed condition of agriculture in this country. In 1821 there was an inquiry; 1820 was a disastrous year, and there were Petitions presented to Parliament. In 1822 there was an inquiry; in 1833 there was a Committee; and another in 1836. All these were Committees of this House; and in 1837 there was a Committee on the same subject in the House of Lords. Now, I must remind the House of this fact, that the two last Committees—the Commons' Committee of 1836, and the Lords' Committee of 1837—only reported the evidence. They expressed no opinion upon it. They gave no counsel as to the course which Parliament should pursue. The Committee of 1833 did make a Report of considerable length, and which had in it expressions just such as we all find when country gentlemen had to say something that is necessary to be said to the farmers. This

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is one of the observations made by the Committee. You will see how accurate it is, and how near they keep to the truth. They say—

"The agriculture of the United Kingdom is the first of all its concerns, and the foundation of all its prosperity."

["Hear, hear!"] Exactly. Hon. Gentlemen opposite agree with that. So do I, and, no doubt, so will the farmers. But what nearer are you to the success of agriculture by expressions of that kind? And then they go on to quote Mr. Burke. Well, Mr. Burke is quoted very often, and very wisely. He is a man who has left much to be remembered. He said—

"It is a perilous thing to experiment on the farmers, whose capital is far more feeble than is commonly imagined."

Well, Burke had not in his mind's eye as clearly as I have the many long years during which this House, through its great landlord majority, has experimented on the farmers. Now, I will take the Committee of 1836. It was a very large Committee. There were no less than 36 Members of this House upon it; and on looking over the names I suppose that what you call all the Members of weight and influence in the House were upon it. As far as I can find, Lord Eversley and Lord Grey are probably the only men living who, as Members of this House, served upon that Committee. They had before them as the very first witness Mr. Jacob, the Controller of Foreign Returns, and he said what the hon. Gentleman has referred to with perfect truth, that in the years 1833, 1834, and 1835, the harvests were above the average, and therefore there were low prices. Well, men might now come to a sort of conclusion of the same kind—that the years 1877, 1878, and 1879, have been disastrous years, years of bad seasons, and, therefore, of bad crops. That is the only and final explanation, and the only final result to which the Commission of the hon. Member, if it be appointed, can come. Now, Mr. Jacob told the Committee that the product of wheat in this country was about 1,000,000 quarters per annum less than the consumption, and, therefore, that it was necessary to receive, and that we did generally receive, something like 1,000,000 quarters from abroad. But he said that the consump-

tion of wheat in relation to the population was constantly declining, and it was proved, he said, by one particular circumstance among others, which was that there was such a great increase in the growth of potatoes; and he said he believed that in England, or in England and Wales, there were at least 2,000,000 of population whose entire food, or nearly so, was potatoes. Before that Committee was a large farmer named Brickwell, farming about 700 acres somewhere in Buckinghamshire. He said that at Christmas, 1835, he had sold his wheat at 4*d.* 6*s.* per bushel. Well, that would be 5*s.* or 6*s.* per quarter less than the present price of wheat; and he or the next witness complained that considerable quantities of wheat were sent over from Ireland, and, further, that there was actually a suspicion that the Irish, among their other sins, imported wheat without paying duty—in fact, that it was smuggled from Ireland to this country. ["Oh, oh!"] Some hon. Gentlemen seem surprised at that statement; but I think Mr. Jacob said that an officer of the Board of Trade had been actually despatched to Ireland to ascertain if this could be true. Mr. Brickwell said, too, that there was a great influx of pigs from Ireland; that the country was actually glutted with pigs from Ireland; that the roads were positively covered with droves of pigs. Well, it is not Ireland, it is a country a great deal further off, but where there are a great many Irishmen and Englishmen—it is the English-speaking nation at the other side of the Atlantic that is the dread and terror of hon. Gentlemen opposite now. I have said that the last two Committees only reported the evidence—that is, that in all their inquiry no remedy had been discovered—that none that any rational man could accept had been suggested; but they stated one thing which, no doubt, will give pleasure to the House, as it always gives pleasure to me. They said that—

"Among the numerous difficulties to which agriculture in this country is exposed, and amid the distress which unhappily exists, it appeared to the Committee that the general condition of the agricultural labourer in full employment is better now than at any former period, and his money wages give him a greater command over the necessities and conveniences of life."

Well, at that period—1833—the wages

of the agricultural labourers in Somersetshire, as stated by a witness from that county, were 8s. per week. So that even then, such had been the miserable condition of the labourers before, that they pointed with exultation and delight to his prosperity, with the then prices of corn, and with wages amounting to 8s. per week. I recollect your Prime Minister standing where I am now and fighting for a cause in which he did not believe. ["No, no!"] Well, I have seen a reference by him lately to "musty phrases." I saw your Prime Minister standing here and with great ability submitting your cause; but he never told you he believed in it, and I recollect his striking that box and concluding one of those speeches, which he would now, perhaps, call musty—with which he regaled the House and delighted hon. Gentlemen opposite, on the subject of what he styled "betrayed agriculture"—by resting his whole cause against those free imports, on the effect they would produce on the agricultural labourer. I ask what has been the effect upon the agricultural labourer? You feel, at this moment, that the position of the agricultural labourer is one as to which you can express satisfaction. The hon. Member for Mid-Lincolnshire so spoke of it. The hon. Member for Mid-Lincolnshire, and the hon. Gentleman who spoke last, spoke of it in the same tone; and I believe there is not an hon. Member opposite who would wish that the agricultural labourer should go back, by any possible legislation of Parliament, to the condition from which he has been dragged by the influence of Free Trade. Well, at the time these Committees sat, you had for your agriculture protection of the most stringent kind for not less than about 20 years. The last refuge of cowardice, idleness, and greed—which is the protective system—had been tried and failed. The people were driven to potatoes, as your own witness proved, and the farmers were protected to such an extent that they had, to a large degree, impoverished even their customers. The Committees could not come to a conclusion that if they carried Protection higher, or could do something more in the way of law-making, they could relieve agriculture, which then clamoured to Parliament for redress. The landowners on the Committee—they were not cotton spinners, nor

members of the Anti-Corn Law League; they were, for the most part, great landed proprietors—were baffled, and unable to offer any suggestion to the House, and Parliament found itself at a dead-lock. All the nostrums of all the quack doctors, and all the simpletons, had been tried and failed. They were found to be so absurd that they were all rejected; and yet, with all that experience, the hon. Member for Mid-Lincolnshire comes to try the same thing again. He comes to-night with a speech which looks continually at Protection as something he greatly admires and desires and supposes to be possible, and which he hopes may come. If he does, I only hope and believe that he will meet with complete disappointment. What is the proposed Commission to do? The last speaker gave us no information on that point. The hon. Member knows a great deal about farming, and, I believe, on his farms the produce could not be doubled: but there are hundreds of farms that do not produce half as much as his do, and, therefore, those, for the most part, might have their production even doubled. What is it hoped the inquiry may lead to, if it be not to Protection? How many landowners are there in this House? Out of the 638 Members there are probably 400 who are landowners, or the sons of landowners. You are a fair tribunal for deciding on questions of land as regards landowners; but as regards tenants it may be another question. I ask hon. Gentlemen opposite what it is they have to propose? They have brought this question before the House. We have calamities enough in Lancashire; but I am not here to ask that there should be a Parliamentary inquiry into our troubles. A Petition was presented to-night by one of my Colleagues in the representation of Birmingham, signed by more than 20,000 persons, saying that there is great distress there, and asking the House to make some inquiry. But no Member for Birmingham is moving for a Commission or a Committee. I ask hon. Gentlemen what it is they are going to inquire into, and what they propose to arrive at? I never hear you utter a word in favour of those things which your tenants, many of them I think with much exaggeration, are asking Parliament to grant them. You have no remedy, and you have no sug-

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gestion. If I had 400 tenant farmers before me, and asked the question of them, what would they say? I will tell you what they would say. [An hon. MEMBER: Protection.] They would say it was necessary to give them security for their expenditure in improvements, which I rather think Her Majesty's Government at one time wished to give them, but which you compelled them to go back from, and which your resistance would not allow to pass the House. The moment the emasculated Bill passed the House, from the highest to the lowest of you, and the landlords generally throughout the country, the first thing you did was to get rid of the little that was left of the Bill. ["No!"] I am surprised that an hon. Gentleman says "No." I thought that it had been proved by the hon. Member for Banbury (Mr. B. Samuelson), when he brought the question before the House. If I were to ask the farmers another question, they would say the question of game was very important to farmers. The hon. Member who spoke last—I observe he always has a good word for the squires, even when he is speaking for the farmers—well, there is an old proverb which expresses that kind of course which, perhaps, I need not quote; but the hon. Member restricted his admiration to partridges, of which he wished he might have plenty. But the farmers have always complained of game. [An hon. MEMBER: Never of partridges.] It is only about three years ago I burnt 1,000 letters which I had received about 25 years ago, from farmers in different parts of the country, on the subject of game, and complaining of its ravages; and, at the same time, I moved for a Committee of Inquiry into the operation of the Game Laws. If anybody brings in a Bill to protect farmers from the ravages of game, or to diminish the inducements to preserve it, hon. Gentlemen opposite will come down in numbers, which they could not exceed even if the Constitution were at stake, in order to expel such an odious measure from the floor of Parliament. There is the question of distress or distraint, on which an Amendment is to be moved by the noble Lord who referred to the Law of Hypothec in Scotland, which, as I understand it, is more extended and more unjust than the law of England. I suppose hon. Gentlemen opposite thought that the Bill for

the abolition of hypothec looked a little towards something of the same kind in England; and, therefore, they were always willing to join in rejecting that measure, and it is only just lately that the Bill has passed a second reading. We are coming to a General Election, and it is remarkable how much the views of hon. Gentlemen on the Treasury Bench are modified with regard to some questions of this kind when a General Election is near. Coming to the question of rates, the farmers, you say, do not like paying so many rates, and they complain particularly of the education rate. In my opinion, if a new rate be imposed during a tenancy, it would only be honourable and fair that the landlord and tenant, if they could so agree, should divide the rate between them. You have transferred £2,000,000 of charges from the rates to the Consolidated Fund, and probably more than one-half goes to the towns, and less than one-half to the farmers of England and Wales; and Lord Derby has told the farmers where the relief finds itself at length—namely, in the pockets of the landlords in the shape of rent. Therefore, with regard to rates, you cannot do more than you have done, and that is of no value as affecting the condition of the agricultural tenant. The Head of the Government said something to the effect that there was no chance of, or propriety in, attempting anything more in that direction; in fact, this has been a good Electioneering and Party cry, and all has been got out of it that is really to be attained. A Commission, in my opinion, will tell us nothing new; but whatever it says with regard to these matters, it will not convince hon. Gentlemen opposite. Why did not the hon. Member for Mid-Lincolnshire look a little further? The ironmasters—some of them are in this House—could tell a dreary story. Some of those who are interested in coal mines know how the inflation of five or six years ago has been followed by a prostration of which they have had no former experience. And what could be told of the cotton trade? In one sentence I will tell you. I will not go into details about carding and spinning, and so on, as the hon. Gentleman did with regard to farming. I will confine myself to a single fact. Here is a slip from a Manchester paper. On it are the names of joint-stock cotton

and weaving concerns in the eastern parts of Lancashire—many of them in the neighbourhood where I live. There are given the names of the companies, the amount of the shares, the sums paid on the shares, and their present price, showing the discount at which they stand, and then, at the end of the column, is the amount of the dividend. Now, in this list there are 122 firms, representing more than 122 mills, and out of these 122 companies 111 have the word “*nil*” under the word “dividend.” Now, do not go away with the idea that these are old concerns with old machinery, and that they are badly managed. On the contrary, a large number of the joint-stock companies in the cotton trade are modern, and with abundant capital. Their machinery is first-class, and they are managed generally by as able workmen as are to be found in the whole trade of Lancashire. There are about 20 other companies named on this slip, 14 of which are marked as giving no dividend. These are paper and other businesses, and the one that has paid the largest dividend—12 per cent.—is a brewery. The list only tells of no dividends, and of shares standing at a discount of 30 to 50 per cent; but it does not tell how much has been lost in the businesses. Now, Sir, is it possible that all the people outside the farming interest have none of the sympathies of hon. Gentlemen opposite? If labourers are unemployed, if wages are being reduced, if capital is wasted, if markets are closed or glutted, surely it is a case with which the great landed proprietors might have a little sympathy, and might think inquiry as necessary as in the case of the farmers. If I understand the hon. Member for Mid-Lincolnshire aright, I should be disposed to support his proposition, for I understood him to cheer a suggestion that nothing that affects the land, or the farmer, or the labourer upon the land, is to be excluded from the proposed inquiry. If the hon. Gentleman does not accept that statement, he should say so distinctly, in order that we may know what to vote about. I know an objection has been made to several Amendments on the Paper, on the ground that the Original Motion is wide enough to include them all. [Mr. CHAPLIN: Hear, hear!] The hon. Gentleman himself cheers that; and, therefore, I take it for granted that none

of the matters referred to in the Amendments are to be excluded from the investigation of the Commission. If you are not willing so to extend it now, you may be quite sure the time will come when you will have to do it. I say, with all frankness, to the hon. Gentleman and his Friends, so numerous around him and so sympathetic with him, that he is opening the door, and the door cannot be closed until that full inquiry has been made. You will inquire, for example, into the reason why there are in this country so few owners of the soil. My hon. Friend quoted a work, recently published, which I wish every Member of the House would take the opportunity of reading. If he is on this Commission, it would enable him to fulfil his duty with aptitude and success; and if he is not on it, he would, perhaps, be able to give some evidence that would help the Commissioners. I should like the Commission—I believe they will be driven to do it—to inquire into a few facts which I will mention. They would find out that in England and Wales 66 persons own 2,000,000 of acres of land; that 100 persons own 4,000,000 of acres: that 710 persons own more than one quarter of the whole soil of England and Wales; that 874 persons own over 9,000,000 of acres, or one quarter of the whole of England and Wales. If they cross the Tweed and inquire about Scotland, which is to be included in the scope of the Commission, they will find that out of 19,000,000 of acres of land in that country, 12 persons own 4,346,000, or nearly one quarter of the whole land in Scotland; that 70 persons own 9,400,000 acres, or one-half of the whole of the land in Scotland; that 1,700 persons own nine-tenths of all the land in that country, while the remaining one-tenth is left to all the rest of the population. If they go to Ireland, they will find that out of 20,000,000 of acres, 292 persons own 6,500,000 of acres; that 744 persons own 9,500,000 of acres, or nearly one-half of all the land of Ireland. And, to sum up, they will find that two-thirds of the soil of England and Wales are owned by 10,200 persons; that two-thirds of the soil of Scotland are owned by 330 persons; and that two-thirds of the soil of Ireland are owned by 1,942 persons. Now, I think I need not ask hon. Gentlemen opposite whether they believe that dis-

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position of the land among the population is advantageous to the population, or whether there could possibly exist, under a free and rational system, such a law applied to any other kind of property within the Three Kingdoms? The Commission will have to inquire—I tell the hon. Gentleman opposite that he has opened the door, and it cannot now be closed—the Commission will have to inquire whence comes this gigantic monopoly—how comes it that the great bulk of the population are thus divorced from the soil of their native land? They will ask how it is that there are these great farms, requiring great capital, which are now most disastrously affected by the distress which so unfortunately prevails. They will ask—and hon. Gentlemen opposite should put this question to themselves in all seriousness—how is it that your tenants, as you say, almost universally, but I hope not universally, but locally and partially, are coming to you, owing you 12 months' or six months' rent, and asking you to take 15s. in the pound of the debt they owe you? When these people are in debt to other persons than landowners—say, to their saddlers, their farriers, to the dealer from whom they buy manures or the utensils used in farming—they would not dare to go to them and ask them to accept 15s. in the pound as satisfaction of their debts. That would bring them into liquidation or bankruptcy. But such is their position, with regard to the landowners, that they ask you to take 15s. in the pound as that which they owe you. And many of you—some because you cannot help it, but a greater number, I have no doubt, from sympathy, and generosity, and kindness—make these concessions to your tenants. But I confess there is to me something terrible in the idea that hundreds of thousands of tenant farmers throughout Great Britain—many of them, if you see them, as much gentlemen as the landowners themselves; they live in good houses, they keep hunters, and they educate their children as well as their means permit—should be so humiliated—for that is what they would call it in Lancashire—as to ask somebody to whom they owe £100 as a just and lawful debt to take £75 instead of the £100. That is the state of things in this great, paramount interest which you represent; and, somehow, you are blind. You do not

open your eyes to the fact; so usual with you is this extraordinary thing; you do not appear to regard it as anything of any great consequence when it periodically happens just for a time. The hon. Member for Mid-Lincolnshire has dwelt very much on the influence of American produce on English produce. He says that English produce decided the market; but that the produce from the United States, or it may be from the Dominion of Canada, will henceforth fix the market in this country. There is a great deal of truth in that. But let the Commission inquire, if it can, how it comes that the landowners of this country and the farmers are looking, not only with alarm, but with terror, to the trade in corn and in cattle which have to be brought from a distance of 3,000 or 4,000 miles across the Atlantic. That is a question which they may fairly examine. And I confess that I am not sure that the statements made have been extravagant or exaggerated. I have met within the last two or three weeks two gentlemen who are intimately connected with these matters in the United States, and I was much startled by some of the facts which they related to me. The land which has been occupied in Minnesota in the States and within the Dominion of Canada is of magnificent quality, I am told, for the production of wheat. Liverpool at this moment is practically as near these farms as New York was a few years ago in regard to transport, and I am not sure that it is not rather nearer. I spoke the other day to a gentleman who was for many years, but is not now, the chairman of one of the most prosperous and best-managed railways in America. He said a change had taken place in the cost of transport, which was astonishing to me, and which must be so to anyone who looks into it. There are some people who not think it is. A man recently told me that he was talking about it to a farmer. The farmer was very much puzzled, evidently distressed, and he said—"I wish that cursed country had never been discovered." But that country has been discovered, and now people are trying to find out where its discoverer was buried. They cannot exactly tell. Columbus lived and discovered America, and died. The Continent which, when he discovered it, was inhabited by a few untutored

savages, is now—excluding South America—the home of nearly 50,000,000 of English-speaking people, and will probably, in the course of 25 years more, be the home of not less than 100,000,000. I may tell hon. Gentlemen opposite that which will not add to their comfort, but it would be foolish to conceal the fact—namely, that the growth in the Western States is such, that the land in the Eastern States is, to no small extent, at this moment going out of cultivation and lessening in value. There is one reason for it which there is not here. There the protective system of the United States has diverted capital in the Eastern States into the manufacture of protected articles, with the expectation of getting increased profits; and the capital has, therefore, been to a large extent withdrawn from the land in those States. Consequently, you find that in the New England States and in New York, and, I believe, to some extent also in Pennsylvania, there is much land which men do not think it worth while to plough, and it is, in point of fact, less in value, and, as far as the plough is concerned, it is gradually going out of cultivation. Now, if the Western States, with their growth of wheat, have so much effect upon land which is so near them, what will be its effect upon land in this country? You must remember that when they have 100,000,000 of population in America they will have paid off their debt, their taxes will be at a minimum. They have almost no Army, as we understand an Army in Europe, and no Navy. They have no spirited foreign policy. They have taxes in proportion to their population, and they will grow less and less. How England and how Europe will stand the competition of America in regard to the supplies of food, with the absolute lunacy of the policy of European nations in regard to armaments and taxes, is what anybody may try to imagine, but what I will not try to describe. The farmers in America, as you know, have no rent, no tithes, and no poor rate. You have all these. With you labour is rising, and labour is very dear in America. You are glad that your labourers are well paid; they will have to be still better paid. You complain of the education rate and of the schools. I think the hon. Member for South Norfolk (Mr. Clare Read) referred to

that. He knows perfectly well that the effect of the education of agricultural labourers in this country under the present system of things will be to drive the young and educated and spirited young men from your farms into the towns or to emigrate. That is a thing absolutely certain. They will not live in a country and in a parish where there is nothing but great farms, and where there is not a plot of land which they can get at any price. Your monopoly of land will, as your labourers become more educated, drive those young labourers from you, and every year your labour will become dearer and much less effective. These are matters which it is worth your while to consider, and which I trust this Commission will consider. Your laws, as they are now, would make the labourer's condition perpetual. In America, as a poet of their country said of their population on the land—

“They till the soil, but own the land they till,”

and that is the great and final difference between the land and its cultivation in America and the land and its cultivation in England. Now, I will ask hon. Gentlemen opposite, after all, not to be unduly afraid of these questions or of a Commission. You have the most densely-populated country in the world, and, perhaps, in some respects, the richest. You have that which is most busy and most productive. You have land that has always been boasted of as very fertile, and a climate favourable to all kinds of labour. [*Murmurs.*] Hon. Gentlemen opposite do not recollect a good year. I say that, with these advantages, the land of England could not only not go out of cultivation, but that it must of necessity, in my opinion, always have a high value, and, if the laws were altered in the way I could suggest to you, a much higher value than at present. I will tell you an anecdote of the late Sir William Miles, the Member for Somersetshire, whom I chanced to meet one day in the Lobby, long after he had ceased to be a Member of the House. He spoke to me in a very friendly way, as he always did, for we had forgotten the difference about long-horns and short-horns, which was the great question when Sir Robert Peel proposed that cattle should be introduced. After shaking hands with me, he said—“I will make a confession,

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Your friend Mr. Cobden and you are the best friends we landowners ever had." I said—"Now, Sir William, I can tell you another thing which is just as good as what we told you in 1846, if you have faith." He looked serious for a moment, and remarked—"Oh, no; I have no faith;" and so he would not listen to what I was about to say. But I will tell it to you now. I believe it would increase the price of land all over the country if you were to abolish all the ancient, stupid, and mischievous legislation by which you are embarrassed in every step you take in dealing with it. Let us have the inquiry then. Let us have it wide and honest. Let us look this great spectre which you are afraid of fairly in the face. You cannot escape from it, and if you meet it boldly it may prove, perhaps, to be no more than a spectre. At least, let us break down the monopoly that has banished so much of your labour from your farms, and that has pauperized so much of the labour which has remained. On the ruins of that monopoly, when you have broken it down, there will arise a fairer fabric; and although it is not possible that I should live to see it, yet the time will come when you will have a million homes of comfort and independence throughout the land of England, which will attest for ever the wisdom and the blessedness of the new policy that you have adopted.

VISCOUNT SANDON: Sir, the opening of this debate gave promise of a very dignified and very valuable discussion. The subject was one of no ordinary importance—the appointment of a Commission to inquire into the agricultural depression in the three parts of the United Kingdom. The subject was one of great moment, and one which required from Parliament the most considerate treatment. As the debate opened nothing could be more promising. All were agreed that the speech of my hon. Friend the Member for Mid-Lincolnshire (Mr. Chaplin) was moderate and thoughtful, as well as eloquent, and that the speech of the hon. Member for Hastings (Mr. T. Brassey) was a good match for the speech of the proposer. I should be tempted to reply to the right hon. Member for Birmingham (Mr. John Bright), when he asked for one reason for the Commission, that he must scarcely have heard the speech

of my hon. Friend behind him, or he would have known that there was good reason for the Commission. This matter is a very serious one, and the speech that we have just heard has been somewhat of a marvellous one—marvellous in every sense of the word, marvellous in its use of the English tongue, and marvellous in the extraordinary excitement which this subject seems to have caused the right hon. Gentleman. I am totally at a loss to understand what was the cause of that excitement. Here is a proposal, well received by both sides, for a free, open, and thorough inquiry into the causes of the depressed condition of the agricultural interest, whether they were temporary or not, and how far they could be removed by legislation. I should have thought this was a thing the right hon. Gentleman would have jumped at. Here is an interest throwing open all its secrets, if it have any secrets, and I should have thought that the right hon. Gentleman would have hailed, instead of trying to throw cold water on the inquiry. What could have been the cause of his excitement? Was it that the word "Protection" had been once heard? I could not have supposed that the excitement which ran through the speech of the right hon. Gentleman could have been caused by any fear for Free Trade—for the hon. Member for Mid-Lincolnshire said that Free Trade had been adopted by the free voice of the country. The right hon. Gentleman rebuked, in no measured terms, my hon. Friend the Member for South Norfolk (Mr. Clare Read) for having delivered, I think, one of the most interesting speeches that I have heard, or the House has heard, for many a long day. He rebuked my hon. Friend gravely, and asked what would be the fate of Public Business if everyone discoursed for three-quarters of an hour upon his own business. Well, my experience leads me to wish that every Member had discoursed for three-quarters of an hour upon his own business, and I think we should have had a great deal more profit than we have lately had. The right hon. Gentleman said that there was something of obstruction in the speech of my hon. Friend; but I think we should have had some support from the right hon. Gentleman lately when the time of the House was unduly taken up. The right hon. Gentleman went on to make an attack on us with regard to

the agricultural labourer. I believe there are very few persons here who have not done something small or great to raise the agricultural labourer. But I wish to know whether the right hon. Gentleman has got the right to lecture us as to our treatment of our own labourers? I had cause to look into the matter, and I remember that the right hon. Gentleman never showed such an extraordinary interest in the factory labourer as would give him a right to speak as he has done to the owners and occupiers of land as to their treatment of those whom they employ. I think the words which the right hon. Gentleman employed on this occasion are not such as hon. Members are accustomed to use. I can understand the right hon. Gentleman's susceptibilities as to Free Trade; but it is rather strong language to talk of "the cowardice, the idleness, the greed" of those who adopt Protection. It is rather strong to damn with those words half the Continent of Europe, the whole of America, all the leading men of France and Germany, and to speak of them as being actuated solely by cowardice, idleness, and greed. The right hon. Gentleman would set them down in the class of quack doctors and simpletons. I do think, when grave subjects of this kind come before us, we should get much more profit, and teach the country something more, if we were to use language such as is generally used by the more moderate Members of this House. I do not think that such language as that to which I have alluded is quite worthy of the distinguished position of the right hon. Gentleman. The right hon. Gentleman, not confining himself to the question before us, went across the Atlantic, and said it would be well worth our while to inquire into the condition of the markets of the West, and of the East, and of the great corn-growing lands of America, and he made one interesting observation on that head. He said it would be curious to observe how Protection had ruined some of the States of America. Well, if that were a fact, it would be a very important one for the agriculturists of England to learn from an impartial Commission, because it would win them from Protection. The right hon. Gentleman talks a good deal about the few owners of the soil. No doubt, it would be a very desirable thing to have more owners of the

soil; but it is not easy to see how, if land acquires a very high value, you are to make it accessible to the poor man. If the right hon. Gentleman had listened attentively to the speech of the hon. Member for South Norfolk, he would have heard something which might have led him to a different conclusion. The hon. Member told the House that, as a tenant farmer, he was in a much better position than if he was a freeholder. That goes some way towards proving why poor men are not inclined to buy land in England. I only wish they were. I should rejoice to see a large number of them owners of the soil; but my experience is, that whenever a small man inherits a few acres, he is apt to put his holding in the market, and exchange it for some more profitable investment. But it was rather a curious argument which the right hon. Gentleman used with regard to the giving back of rents to tenants, when he said there was no man in Lancashire who would not consider it an insult to have part of a debt remitted. I thought there were such things as debts remitted even in Lancashire, and that such acts of considerate kindness were not regarded as insults. I must say I regret the extreme bitterness of the right hon. Gentleman's tone. The right hon. Gentleman seemed to belong to a class which formerly existed, and who believed in the natural antagonism between town and country. My impression was that that class had almost disappeared; but the tone of the right hon. Gentleman certainly revived the recollections of it. Now, as to the course which the Government propose to take in this matter, I will very shortly state what our view is. Notwithstanding what the right hon. Gentleman said, I believe there are very few in this House who would for one moment undervalue the enormous importance of agriculture. The right hon. Gentleman himself acknowledged that the other day, in the letter which he published, in which he said—

"Notwithstanding our enormous supply of food from foreign sources, still 75 per cent of our supply is home supply;"

so that, even in a money point of view, the abundance of that home supply must be a matter of the greatest interest to every man, woman, and child in the country. Some people have talked rather rashly of the agriculture of Eng-

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land, as if it were in a very backward state. The agriculture of England has, on the contrary, been extremely successful. We have been the most successful stock-breeders, most successful in all dairy produce—in butter, cheese, and so on. It must always be remembered that the best foreign judges give us the greatest credit. Our climate is extremely uncertain; but, still, we manage to drag out of the soil much more than any other country, with the exception of Holland. When we talk of agriculture, then it may well be that we should do so as of an interest that commands respect, and a class which is most valuable and important. It has been one of the glories of the country, and that it has been successful is a very great blessing to everybody in the country. It is well, too, that we should remember that our system of landlord, tenant, and labourer is one which has had good results for the food of the people. Neither the tenants nor labourers have been a stupid or backward class. Had they been so, our success in agriculture could not have been what it has been. Our farmers have been enterprising, and the labourers have been excellent working men. The landlords, too, have come forward to help their tenants. It is impossible not to feel the deepest sympathy and regret when we find such grievous depression and suffering affecting this important branch of industry. I must, however, guard myself against being supposed to allow that this distress is universal throughout England. But I am afraid it is too wide-spread not to be of a serious character. Some three months ago, when a Committee was proposed on the Agricultural Holdings Act, I declined to assent to that alone. I said I had great hesitation in giving a Committee of Inquiry then; but I stated that, as time went on, if the accounts continued bad, the best way would be to appoint a Royal Commission; but I warned those who asked for an inquiry that, if it were once appointed, it would open the door to the full discussion of all questions affecting agriculture. My hon. Friend the Member for Mid-Lincolnshire (Mr. Chaplin), most worthily representing the agricultural interests, has thought fit to appeal to the Government to appoint a Commission of this nature. When my hon. Friends come forward so fearlessly

to ask for this Commission, it gives me additional confidence in the soundness of the state of things connected with agriculture. So far as I am concerned, I stated on a former occasion what, in my belief, were the causes of the present depression. Those causes are not, in my opinion, far to seek. This depression has been caused by an unusual combination of circumstances. We have had four or five terribly bad seasons—we have had general bad trade at the same time, the labour market has also been unsettled, and there has also been a withdrawal of juvenile labour for educational purposes, which, however, will be only temporary, and we have had an enormous increase in the steam-power of the world, which is used mainly for the conveyance of agricultural produce. Then, the remains of the cattle disease seem also to explain very much the general depression of industry. It is clear that when an enormous national interest like that of agriculture says, through its Representatives, that it desires that an inquiry should be instituted into the state of its affairs, and into the best mode of developing the resources of this and of other countries, the Government would certainly not be justified in refusing to grant such an inquiry. Before I sit down, I should just like to put the House in possession of a paper of considerable importance which reached our hands to-day. It is the Report of the resolutions agreed to at a special meeting of the Council of the Institution of Surveyors, which was held on the 3rd instant, with reference to the present agricultural distress. The resolutions were agreed to by the following leading gentlemen of the profession:—Messrs. Cluttons, Smiths and Gore, Drivers, Vigers, Beadels, Daniel Watney, Virgo Buckland, Edward Ryde, J. W. Penfold, Rawlence and Squarey, Thomas Huskinson, James Martin, A. F. Sedgwick, and William Searth. The resolutions themselves were as follows:—

“1. That the present distress on heavy clay farms exceeds, as a rule, any that has occurred for the last 40 years; and that in some districts the distress on light land farms and on poor grass lands approaches that upon heavy clay farms.

“2. That the main cause of distress is the deficiency of yield under the last three harvests, aggravated by the bad season of 1878; and that low prices are a secondary cause.

"3. That as tenancies are held, some at rents settled probably 40 years since, and some at rents settled in 1874, any uniform mode of treatment is impracticable, and that the question of relief must be considered with reference to the special circumstances of each district and farm."

"4. That in Great Britain the landlord supplies, say, four-fifths of the capital engaged on an ordinary arable farm, in the form of land, buildings, roads, fences, and drainage, and the tenant, say, one-fifth as working capital; and that the form of relief best calculated to meet the present difficulty is that of temporary aid to the present tenants."

"5. By laying down arable land to grass, by improving grass lands, by giving cake, or manures, by providing shedding for additional stock, or other buildings, by making roads, by additional drainage, by purchasing tenant right, or by outlay of similar character, the landlord will benefit the present tenant, and maintain the productiveness of his property."

I think that the House will agree with me that that is a most interesting document at the present time. In face of the facts I have stated, therefore, I do not think that Her Majesty's Government could have hesitated for a single moment in deciding to appoint this Commission. With regard to the point raised by the hon. Member for Birkenhead (Mr. Mac Iver), who has shown so much knowledge and consideration for the wants of the country, I am willing to accept the position he rather invited us to take up—namely, that it would be obviously absurd to appoint a joint Commission to inquire into the state of both trade and agriculture, because the Gentlemen who are fully qualified to enter into an inquiry with regard to the one would most likely not be qualified to enter into an inquiry with regard to the other. As to extending the inquiry to other branches of trade, we have not had a demand at all equal to the demand for inquiry into the depression of agriculture. Before granting an inquiry like that now asked for, we should be careful that by so doing we shall not create a panic. If a panic exists, as I am afraid it does, with regard to agriculture, we should undoubtedly grant an inquiry; but where it does not already exist, we should be most careful not to create it by granting such an inquiry. Being of opinion that the scope of the inquiry should be wide, and following the precedents of 1821, 1831, and 1836, we are prepared to accept the exact words of the Resolution of the hon. Member for Mid-Lincolnshire. Perhaps I should

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state why I prefer a Royal Commission to a Committee as a means of inquiry into this subject. In the first place, we could not hope that a Committee, if appointed, could obtain much information in the course of the present Session; and, secondly, a great advantage will be obtained by the sitting of the Royal Commission not being fixed to one place, as it will have power to move about to different parts of the country, and, if necessary, to appoint Assistant Commissioners. As to the constitution of the Royal Commission, perhaps it is right to mention that Her Majesty's Government deem it their duty to recommend that a certain number of tenant farmers should be placed upon it, with the view that the inquiry should be such as to satisfy all classes interested in it, and that the Commission should be so constituted as to include those who have a practical knowledge of the wants and desires of what I may call the ordinary tenant farmers. Beyond this I need scarcely say another word. I may, however, express my belief that after the experience of 1821, 1831, and 1836, we may hope that the great and lamentable distress in agriculture which we are now experiencing will, as before, pass away, and that we may expect a return of prosperity, perhaps even before this Commission has concluded its labours. When we look back at the records of these three periods, and find that almost the same expressions were used then as now, but that, after all, British energy came to the rescue, I, for one, shall not cease to have confidence that before long we shall witness the dawn of better times not only in England, but in Scotland and Ireland as well. To bring about a state of content and prosperity in the great agricultural classes, it is necessary that landlords, tenants, and labourers should pull together. That concord of interests we see growing every day, and we may hope that the result will be most happy; and, whatever may be the recommendations of the Commission, the nation may feel entirely at rest, inasmuch as Parliament will not adopt any course of legislation which is not for the benefit of the community at large.

THE MARQUESS OF HARTINGTON: Sir, the noble Viscount who has just sat down (Viscount Sandon) considered it necessary, at the opening of his re-

marks, to animadvert somewhat severely upon the character of the speech of my right hon. Friend the Member for Birmingham (Mr. John Bright), who preceded him. Sir, I cannot discover, in that able and eloquent address, anything of the aggressive character which appears to have been felt by the noble Viscount; but, as to the undoubted animation of the speech, I think it will be no subject of wonder to any hon. Member of this House that my right hon. Friend, who is so closely and deeply identified with the cause of Free Trade, should have felt some excitement and some unusual warmth when he finds, for the first time after 30 years, that the benefits of that change are seriously called in question, and that the benefits which resulted to the whole community from Free Trade appear to be, at all events, partly ignored on that side of the House; while the undoubted misfortunes which have occurred to one section of the community are exaggerated, and attributed solely to the action of Free Trade principles. If I desired, which I certainly do not, to turn this occasion to Party purposes, I might, perhaps, preface the few remarks which I wish to make to the House by some observations upon the remarkable change which has come over the Councils of the Government in this respect since the earlier part of the Session. Twice has a Commission been moved for to inquire into the state of the agricultural condition of the country—once by my hon. Friend behind me, the Member for Banbury (Mr. B. Samuelson), who asked for a Committee or Commission to inquire into the operation of the Agricultural Holdings Act. The inquiry, however, was denied; and although the noble Viscount has referred to the fact that he said it was possible that a wider inquiry was necessary, I recollect that that assurance was couched in the vaguest and most general terms. Then, again, on another branch of the same subject in "another place," an inquiry was flatly refused by the noble Earl at the head of the Government (the Earl of Beaconsfield). I do not think that this debate has generally moved on Party lines, and I do not wish to inquire into the causes which have actuated the Government in granting to the demand of one of their own Party the inquiry refused when it was asked for by

this side of the House. I am rather disposed to enter, as shortly as I can, into one or two important questions which have been raised by the able and interesting speeches to which we have listened to-night. The few remarks I wish to make will be directed to those points. I wish to put before the House, as clearly and as strongly as is in my power, in the first place, that no case has been made out for relieving the landed interest at the expense of the general community; and, secondly, that if such a case had been made out, it would be necessary, first of all, to inquire whether any case of necessity existed which could be relieved without calling for sacrifice from the remainder of the community. It has been shown by my hon. Friend the Member for Hastings (Mr. T. Brassey), and others, that, although undoubtedly there has been a serious fall in the price of corn, the price of other agricultural produce since the adoption of Free Trade has greatly increased, and it has been mentioned that the value of land has certainly not decreased during the last 20 years. Mr. Caird, whose name has been frequently mentioned in the course of this debate, states, on the authority of official Returns for Assessment and Income Tax, that in England the value of land in 1857 was £41,000,000, and in 1875 that it was £50,000,000, or, in other words, it had increased 21 per cent; and he calculates that the value of that increase at 30 years' purchase amounted to no less than £268,000,000. In Scotland the increase has been still greater. The value of the land has there risen from £6,000,000 to £7,500,000, showing an increase of 26 per cent. In Ireland, I regret to say that the increase is much smaller, amounting only to 6 per cent. I am not going to deny that within the last two or three years a considerable decrease in the value of land may have taken place; but, at all events, up to the last three years—years which, by common agreement, have been the most unfavourable to the agricultural interest which have been known for a long succession of years, there has been a great deal of steady increase in the value of land amounting to something like £500,000 a-year. Sir, under those circumstances, I cannot think that any case has been made out for the landed interest coming to Parliament in

order to improve their position by exceptional legislation. Such is the state of the case as regards the owners of the soil. There is another class interested in the soil, which, by common consent, is admitted to be at this moment in a better position than it has ever occupied before. There is no difference of opinion that the position of the agricultural labourer is one of greater comfort, greater prosperity, and greater well-being than has ever before been known in the history of the agricultural industry. There seems to be some doubt as to whether the third class interested in the soil—namely, the tenant farmers, has shared in the undoubted advantages which have accrued to the landowner and the labourer. Undoubtedly, he has been suffering from bad times during the last two or three years; but I venture to doubt whether, up to that time, the tenant farmer himself has not shared in the general increase of prosperity. At all events, there is every reason to believe that is the case, when we consider how general has been the outcry respecting the undue scale of expenditure said to have been adopted by tenant farmers in various parts of the country. But, Sir, there are causes altogether independent of any that have, or can be, produced by legislation, which account for the vast deal of depression admitted to exist in the agricultural interest at this moment. Bad harvests have been referred to; but the general depression of trade has had a corresponding effect upon the agricultural interest, and I venture to submit to the House that no interest or trade—and farming is like any other trade—has a right to claim protection from the State against reverses which have been suffered from natural causes. It would be as reasonable, if the iron or cotton trades which are suffering, as my right hon. Friend the Member for Birmingham has pointed out, at least as much as the agricultural interest, were to come down to this House, and ask that some exceptional legislation should be passed in their favour as that, on account of causes perfectly natural and capable of explanation, the agricultural interest should ask for special redress. I do not suppose it necessary, at this time of day, to waste any time in showing that any redress such as that indicated by the hon. Gentleman the Member for Mid-Lincolnshire (Mr. Chaplin)

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would be at the cost of the whole community. The hon. Gentleman, a short time ago, was very indignant when I imputed to him that he held doctrines of a somewhat Protectionist, or, at all events, Reciprocity character; but I do not think anybody will be disposed to doubt, after hearing the speech of the hon. Gentleman this evening, that he is a most sincere Protectionist at heart. There was only one passage in his most able and, I think, on the whole, most temperate speech, which I must say I heard with deep regret. The hon. Gentleman appealed for support to the Members representing Irish constituencies who sit below the Gangway. I remember very well that, at a time when the principles of Free Trade were less firmly established than I hope they now are, the most common accusation brought against my right hon. Friend the Member for Birmingham (Mr. John Bright) was, that he was always exciting what was called class against class. But the hon. Gentleman the Member for Mid-Lincolnshire appeared to me to-night to wish to do something more than excite class against class. He used an expression which, I think, could only have the effect of exciting one part of the nation against the other. I must say that I did regret to hear the hon. Gentleman appeal to Irish Members, and ask them whether agricultural Ireland was to suffer for the benefit of the manufacturers of England? If that is not a real Protectionist sentiment, I do not know where we are to find one. But, Sir, the whole speech of the hon. Gentleman breathed Protection. No doubt, he guarded himself as well and as carefully as he was able—he was not yet convinced of the necessity for Protection; he hoped the necessity might not arise; no one was more alive than he to the advantages of cheap food—so that it was not too cheap. But the hon. Gentleman quoted, with satisfaction, the failure of a prophecy of Mr. Cobden. It is not my business to defend the accuracy of Mr. Cobden as a prophet; but it was, I think, either Mr. Cobden, or the right hon. Gentleman who sits near me (Mr. John Bright), who said there was nothing more dangerous in political life than to indulge in prophecy; moreover, I think I have heard quoted the saying of an American sage, who said — “Don’t prophecy unless you

know." It is extremely likely that Mr. Cobden, when he ventured upon prophecy, may not have been more reliable than others. But if Mr. Cobden has been mistaken in his opinion of some of the effects which Free Trade would have upon foreign nations, certainly the most sanguine expectations which he ever ventured to indulge in of the benefits which Free Trade would confer upon his own country have been vastly exceeded. The hon. Gentleman wants a Commission, as far as I can ascertain, mainly to inquire into the importation of food from America. He wants to know the lowest prices at which food can be imported into this country. He asks the Commission to tell him the price at which foreign food can be imported. Well, Sir, with what object does he want to know that? All his speech, in my opinion, pointed to the conclusion that if the Commission reported that food could be imported from America at a lower price than that at which it could be grown here, then that ground of complaint must be redressed by some protective duty. Now, he does not want a Commission to inquire into that matter at all; there is a much more simple and straightforward way open to him. His position I understand to be this—"Let us have food as cheap as we can, so that it does not come from abroad at a cheaper rate than would pay the farmer at home; but if it can be imported at prices that will not pay the farmer, then we must have a protective duty." If that is his position, he had better adopt the Motion of the hon. Gentleman the Member for South Nottinghamshire (Mr. Storer), which was carried in his presence at the conference of farmers which took place the other day. Let him fix the rate at which it will pay the English farmer to grow corn—say, 40s., 45s., or 50s., or whatever it may be, and let him at once propose, when it falls below that figure, that an import duty should be placed on foreign corn. You do not even want to know the price of foreign corn; for if it cannot be imported at the lowest price, your protective duty will not come into operation. But if it is impossible to grow corn profitably, you do not want a Commission to inquire into the causes; but you can say at once, if it is imported at certain prices, we will then put upon it our protective duty. My hon. Friend the Member

for Hastings (Mr. T. Brassey), who seconded the Motion, to the value of whose speech, and the interest of the information which it contained, I bear most willing testimony, advocated the appointment of a Commission on far less mischievous grounds, but still on grounds which, I think, are mischievous. My hon. Friend wants a Commission to inquire into the mode of cultivation abroad, about the conditions of foreign trade, and so on, which he said it was impossible for British farmers to inquire into for themselves. In other words, his object seems to be that the Commission should make its inquiries with the view of instructing the farmers how to manage their own trade. Sir, if farmers are reduced to this expedient, their condition is, indeed, hopeless. What would be the position of other trades or manufactures, if they were unable to collect the facts necessary for the management of their own trade, and had to rely upon the facts collected by a Royal Commission appointed for that purpose? Why, the delay alone in the publication of the Report might make its conclusions altogether fallacious and illusive. Circumstances might have entirely changed, and the advice given by the Commission might be altogether out of date. Passing from the first, I wish to say a few words on the second branch of the subject to which I have adverted. I contend that, even if the case of the agricultural interest had been made out more completely than I conceive it to have been, it is necessary to inquire what remedy affecting the agricultural interest itself can be proposed, before we even dream of asking for remedies to be applied at the expense of the whole community. I maintain that the remedy of the hon. Gentleman the Member for Mid-Lincolnshire is the most radical and revolutionary that can possibly be suggested. It may be said that other countries have adopted and maintained a system of Protection; I reply that there is no country in the world which depends so largely upon foreign countries for its supplies of food as England. We know very well with what opposition any attempt is met to increase the duty on even the ordinary luxuries of life. Does anyone imagine it would be possible, without the strongest and most vehement resistance, to impose a tax for the benefit of a special class upon an article of the first

necessity for existence, and so indispensable, as the supply of food? Sir, if the case of the hon. Gentleman be true, or if he can prove it before a Royal Commission, then, in the first place, the remedy must be looked for elsewhere than in the quarter which he has indicated; and if he can prove his case it is nothing more or less than this—that the land system of this country under existing conditions has broken down. The hon. Gentleman has not proved that the land will go out of cultivation, or that the cultivation of the soil is impossible. All that he has proved, or attempted to prove, is that, under existing circumstances, it is impossible that the land will support the three classes which it has hitherto supported—namely, the landlord, the tenant farmer, and the agricultural labourer. The hon. Gentleman has spoken of the land going out of cultivation; I, however, believe that it is utterly impossible that the land of this country should go permanently out of cultivation. Suppose the worst anticipations of the hon. Gentleman to be realized; suppose the land is unlet, and that the agricultural labourer emigrates; does he imagine for a moment that the surplus population of our great industrial centres, who now emigrate to Australia and America, would not go forth into the unoccupied regions of their own country and occupy and cultivate the soil for their own subsistence? We talk about the land of this country going out of cultivation; Sir, I believe that to be utter nonsense. All that is meant is, that it cannot be cultivated under the present system, so as to return a profit to everyone concerned. Now, as this question is brought before us by hon. Gentlemen on the other side of the House, let us see what this system is. It is not one ordained by any natural law, nor is it one which exists, so far as I know, in any other country in the world. It is a system where the greater part of the land is divided into very considerable estates, and where, at the same time, the proprietors, though wealthy men, are, not unfrequently, not complete masters of their own property, and not able to deal with it as they may desire. It is a system under which the cultivation of the soil is carried on by a class of men who are not the owners of the soil, and who are not the actual cultivators of the soil.

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It is a system where actual cultivators are not the owners of the land. It is a system under which the land is cultivated by men who are not only not owners, but who have no inducement to become so, and who have no means or hope of becoming owners of the soil. It is cultivated by men who have this one claim upon it—that, in case of old age or absolute destitution, they should be supported without expense and almost without labour from the land. Such is the land system of this country, and, as I have said, it is one which prevails in no other country in the world. I daresay that in giving this description, and in saying that it is an exceptional system, I shall be accused of the rankest Radicalism. But, Sir, it is not I who have brought this question before the House; it is hon. Members on the opposite side, who insist upon calling our attention to it, and upon having a Royal Commission to inquire into the condition of agriculture under this system, and who are hinting at what, in my opinion, is the wildest, the most radical and revolutionary remedy which can be proposed—namely, a tax upon the food of the entire people. I am not saying that this is a system which it is necessary to abolish; I do not say that this system is not one which may be best adapted to the country; but I say that it is a system which is so remarkable, that when its results are impeached, as they have been to-night, by hon. Gentlemen opposite, it deserves investigation. I believe that this system is overlaid by conditions, and that there are blots in it which are not essential to the system; which are capable of being amended, and which, in my opinion, must be amended if this system is to continue with advantage to the community. I cannot, at this hour of the night, go into the details which have been ably presented to the House; but I will just refer to one or two points. I believe that one of these blots—one, at all events, which deserves the most careful and fullest inquiry—is our system of entail and settlement of land. Now, Sir, I hope that in saying this I shall not be regarded as saying anything very Radical, even by hon. Members opposite. I should think that those who have a practical knowledge of these things would be the first to admit that there are duties, and important duties, which have to be dis-

charged by the owners of a large estate. But what if the owner of a large estate has not the ability, and has not even the inclination, to discharge those duties; but prefers to devote himself to some other occupation? Is it for the advantage of the land, is it for his own advantage, or for the advantage of his tenants, or the labourers on his estate, or is it for the advantage of the whole community, that that man should, by any artificial system, be forced to remain in a position which he does not desire to occupy, but which, by the disposition of someone 50, 60, or 100 years ago, he cannot get out of? Hon. Members opposite, I should imagine, would be disposed to admit that the expenditure of a considerable amount of capital is necessary upon a large estate; but suppose the owner of a large estate has only a life-interest in it, and that hampered by charges in such a way that he has barely sufficient to maintain himself; how is it possible that the owner of such an estate should make that large and judicious expenditure which hon. Members opposite would be the first to think necessary? I do not omit the consideration of the Act of Parliament which enables limited owners to charge their estates with the cost of improvements. I doubt very much, however, whether any palliative of that kind can altogether override the effect of this system which gives only a limited and life-interest. At all events, I have very strong authority for saying that, up to a very short time ago, this Act had produced very small results. Not long ago, a Committee of the House of Lords, which was presided over by Lord Salisbury, and composed mainly of large landed proprietors, inquired into the subject; and the conclusion arrived at by that Committee, as quoted by the noble Viscount the Member for Elginshire (Viscount Macduff) was that, notwithstanding the existence of these Acts, only a very small fraction of persons interested in land had availed themselves of their provisions. I have heard the hon. Member for South Norfolk (Mr. Clare Read) say to-night that the conclusions of that Committee are altogether worthless. Of course, I must bow to his superior authority; but I can only wonder where we are to get authentic information, if not from a Committee of the House of Lords, presided over by so eminent a statesman

and so large a landowner as Lord Salisbury? I come now to the question of small proprietors. At all events, I have the support of the noble Viscount who has just spoken, and who has expressed as strong a wish as could be expressed by anyone, that the number of small proprietors should be increased. I do not venture to express any confident opinions as to whether, under our social system, it ever would be possible, by any legitimate means, to create a large class of small proprietors; but, surely, it is not wise to maintain, if you can help it, a system of law which makes the transfer of land so difficult, and the transfer of small holdings so expensive. That is, surely, a fair subject for inquiry. I wish to say one word on the question of the security for tenants' improvements. My views on that subject are, I believe, pretty well known to hon. Members of this House, for I have had many opportunities of expressing them. In the discussion of this subject nothing can be more satisfactory than the perfectly Free Trade doctrines which are held on the other side of the House. Freedom of contract is their battle-cry. I am very much disposed to agree with hon. Members. I doubt very much whether the State, or Parliament, or anybody else, can make better agreements between two parties than they are capable of making for themselves. I have always been disposed to look with some suspicion upon all plans of compulsory tenant right, from whatever side of the House they might proceed. I ventured to express my opinion several times in the discussion on the Agricultural Holdings Act that little more was wanted than to take care that the presumption of the law was in accordance with justice and equity, and then to leave parties free to make their own arrangements. But in order that there should be really free contracts, both parties should be absolutely free to make them; and I cannot admit, when an owner has only a limited life-interest in his estate—[“ Oh, oh ! ”]—I say, I cannot admit when an owner is hampered by the conditions on which he holds his property, that he is in all cases an absolutely free agent to make the best contract which his own interest would induce him to make. Something has been said to-night about the Law of Distress and the corresponding law in

Scotland, the name of which I will not attempt to pronounce. I will not go at length into these questions; but there, again, is a subject which seems to me as well worthy of inquiry. The Law of Distress, as I understand it, is an exception to the ordinary law of debtor and creditor. It is an exception which is supposed to be made in the interest of the landowner and the tenant. On the other hand, it is contended, and contended with considerable show of reason, that this law acts prejudicially both to the landlord and the tenant, and to everyone else concerned in agricultural operations. It is contended that this law merely raises rents and encourages a landlord to take tenants possessed of less capital than he would otherwise require, if he had not this exceptional security for the recovery of his rent. It is contended also that it is a law which tends to discourage agricultural improvement, because it impairs the security of every creditor of the farm except the landlord. There are other subjects to which I would wish to refer for a short time, but that I am sure the House will be anxious that this discussion should not be unnecessarily protracted. There will be, at all events, no difference upon either side of the House that in such an inquiry as this the effect of local taxation should find a place. That is a question which has long been recognized to be one of the most important, as affecting the agricultural interest. I must candidly admit I see no just claim for the exemption of the land from the burdens subject to which it has been acquired or inherited. But, on the other hand, I do freely admit that in the case of new burdens, which are so constantly being accumulated upon it, there is a case for inquiry; and I am perfectly willing to hear what landlords and tenants may have to urge as to the proportion in which the rates are to be borne by the occupiers and the owners. I must say that it seems to me well worthy of attention, whether the system which is adopted in Scotland and Ireland might not advantageously be adopted also in this country, whereby, and without prejudice to all existing contracts, the rates are paid by the owner. I fully admit that all these subjects are included in, or, at all events, not excluded by, the Motion of the hon. Gentleman. They certainly were not

included in his speech. The inquiry to which he pointed was one of which I am unable to see the advantage; but one from which I am obliged to confess I think I see considerable disadvantage, inasmuch as I believe it will lead the tenant farmers of this country astray, and will induce them to believe that relief might be found for them, which, I venture to express an opinion, will not be found for them, in a return to Protection. I should have been glad if the speech of the noble Viscount opposite (Viscount Sandon) had been a little more explicit. The noble Viscount said the inquiry must be a very wide one; but he did not indicate the numerous subjects over which the inquiry must range. The House must remember that there is a great difference in this respect between a Royal Commission and a Select Committee. If we were appointing a Select Committee, the scope of its inquiry would be regulated by the Order of Reference, and by nothing else, and it would be competent for the Committee to inquire into any subject not excluded from the Order of Reference. But the inquiry of a Royal Commission will be directed solely by the Instructions given to it by the Government, and the terms of the Motion which may be agreed to by the House will have no power whatever to direct the course of the Royal Commission. I think, therefore, before we agree to this Commission, that we ought to hear from the Government a little more in detail what will be the nature of the Instructions under which the Commission will act. It is scarcely sufficient to be told that the inquiry will be a wide one. I have no reason to doubt that the Government will give such Instructions as will cover the whole case; but it would have been more satisfactory to have had it stated in a little more explicit a manner. I do hope, even at this late hour, it may be possible for a Member of the Government to give us some satisfaction on this matter. Had the Government indicated any intention of restricting, or narrowing, or bending in any one special direction, the inquiry of this Commission, I should have recommended my noble Friend the Member for Elginshire (Viscount Macduff), who made so able a speech earlier in the evening, and who seems to me very completely to have covered the field of

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inquiry which this Commission ought to undertake, when the Amendment becomes the Motion, to have moved his Amendment and to have taken a Division upon it. But I hope no such course may be necessary, and that the Government will assure us that the terms of the Commission will be wide enough to embrace those subjects to which my noble Friend has called our attention. Under these circumstances, I can assure hon. Members opposite, and I can assure the agricultural interest generally, that we on this side view with no fear, but, on the contrary, with the greatest satisfaction, the prospect of a full—so that it be a full—and impartial inquiry into all the causes which affect the agricultural depression, which we, in common with the whole country, so deeply deplore.

THE CHANCELLOR OF THE EXCHEQUER: I am reluctant to trespass upon the House at this late hour of the evening, more especially after the very excellent speech of my noble Friend near me (Viscount Sandon), which fully and satisfactorily expresses the views of the Government on this matter. At the same time, after the observations of the noble Lord, it is necessary that I should detain the House for a few minutes in making one or two observations. The noble Lord has stated, with perfect truth, that this debate has not been conducted upon Party lines. The Motion was proposed from this side of the House in a speech of very great ability, and it has been seconded in a speech also of very great ability, from the other side of the House, and we have also had most interesting speeches from Gentlemen sitting in different parts of this Assembly, taking different views; but all of them, I think, contributing to our enlightenment. Although, however, the debate has not been conducted upon Party lines, I cannot go so far as to say there have been no Party speeches. I do not wish, at the present time, to go into a controversy on these matters; but I do think that the acuteness with which the noble Lord opposite (the Marquess of Hartington) has discerned the evil which is latent in the arguments of my hon. Friend (Mr. Chaplin) might, if that acuteness were directed to his own speech, draw some very remarkable inferences from it with regard to the actual position of this question. I think it really requires very few words to

elucidate it. A Motion has been made by my hon. Friend, who is exceedingly well qualified to speak, and who, as we know, does speak on behalf of a very large body of agriculturists in this country. That Motion presses for an inquiry into the nature and causes of the present depression in agriculture. Upon that Motion are founded, I think, no fewer than 10 Notices of Amendment from different parts of the House, every one of them acknowledging the necessity or desirableness of an inquiry of some sort or other. When you have such a concurrence of testimony, it does establish the fact that there is something like a demand for inquiry into something or other, at all events, and something of an important character. Before I say any more upon this question, I will just say one single word with regard to a matter which has not been much touched upon in this matter—I mean the Notice of my hon. Friend the Member for Birkenhead (Mr. Mac Iver) for the inclusion of commerce in this Commission. My hon. Friend and others know perfectly well the reasons which render it inconvenient, and, indeed, almost impossible, to include an inquiry into the condition of commerce in a Commission such as that which is now to be appointed. If I had time, I might explain the reasons that, in our opinion, render it undesirable to appoint any special inquiry, or to institute any special inquiry into the commercial depression. I hope it will not be understood from that, that we are at all insensible to the distress which is felt, and has been felt, in many quarters of the commercial and manufacturing world, or that we are so taken up with agriculture that we are neglecting the interests of commerce. Returning to the question of agriculture, the noble Lord has said that he thinks no case has been made out for the relief of the agricultural interest at the expense of the community. Well, nobody, that I am aware of, has ever said anything of the sort. The view which we have taken in this matter and, as I understand, the view which has been taken by those who have addressed us is this—that the interest of agriculture is so great and widely spread that it is, to a very great extent, identical with the interests of the whole community, and that the interests of agriculture, truly understood and rightly promoted, are the

interests of the whole community, as all other great interests are. Certainly, in the inquiry which we are asked to institute, it is no question of establishing any exceptional legislation for one particular class; but it is in order that we may see what are the causes that have led to the very general and wide-spread impression that agriculture is suffering from causes which are, more or less, remediable. We think that the case is one of sufficient importance to justify such an inquiry, and we are anxious that that inquiry should take place. If, under the present state of the country, and in the present state of feeling, we were all of us to shut our ears to such a complaint, and to deny that there was anything to inquire into at all, what would be the natural result? You would not put an end to all these complaints, and all this anxiety for inquiry and relief; but you would throw back those who were asking you for guidance to be guided, to a very great extent, I am afraid, by mischievous counsellors and mischievous agitators. The noble Lord professes to be very much alarmed indeed lest this inquiry should lead the agriculturists to look for relief in the direction of Protection. I do not know whether the noble Lord has that faith in Free Trade which I hope he has; but if he has that faith, surely he must think that an inquiry, properly and legitimately conducted, is not likely to disturb that which is true. It is quite idle. If the doctrines of Free Trade are, as I believe them heartily to be, the doctrines of truth, they will come all the stronger out of the inquiry of this Commission, and it will be shown what the real facts of the case are. It is quite clear, however, from all we hear out-of-doors, from all which we have heard this very evening in this House from Gentlemen sitting on that Bench and elsewhere, that there are many causes at work now which render it desirable and highly expedient, if not necessary, that there should be some general inquiry into the position of agriculture, and that those who are interested in agriculture should be allowed to bring forward and to state what appear to them to be their grievance; that these should be investigated, and that information should be collected in an authentic and perfect form for our guidance under altered circumstances. Nobody can

The Chancellor of the Exchequer

doubt that the circumstances of agriculture have altered, and have been altering for the past few years, in more directions than one—in some respects for the better, and in some respects altered so as to show that the agriculturists of England are exposed to a competition of a very different character from that with which they had to contend in former days. It is desirable that we should review their position, and that we should see whether there are any matters in which they either require to be relieved of encumbrances, or in which they may receive information which will enable them not to strive for the impossible, and to point out to them in what direction their efforts may be best used. We heard some very suggestive remarks indeed from the hon. Member for Mid-Lincolnshire, although they were sneered at by the right hon. Gentleman opposite (Mr. John Bright). I must say, of the two, I should greatly prefer a practical counsellor, like my hon. Friend, to a theoretical counsellor, like the right hon. Gentleman, who does not leave these matters alone, and say these are questions which you had better leave to the farmers and landowners and labourers to work out for themselves, but who dogmatizes in a very superior manner as to the causes of all these things, and who tells us the causes, to put it shortly, are to be found in the wickedness of the landlords. Some of the observations of the noble Lord opposite pointed very much in the same way. There were some very extraordinary suggestions as to the revolution that is to take place in the land system of this country, which, he tells us, has broken down.

THE MARQUESS OF HARTINGTON: I beg pardon. I did not say it had broken down. I said that if the hon. Member's case is true he must admit that it has broken down.

THE CHANCELLOR OF THE EXCHEQUER: I do not think that is my hon. Friend's view. The question, however, is one which is to be examined, and must be examined; and if it is to be left to such teaching as that to which we have listened this evening from the right hon. Gentleman the Member for Birmingham, and is to be followed by such suggestive observations as those of the noble Lord, I must say there will be cause enough for everybody concerned to look about them. We have had a great

many assumptions made by the right hon. Member for Birmingham and others, propagated with very great force and positiveness of language, and they are extremely likely to make a very mischievous impression on the minds of those who suppose they are sitting at the feet of teachers who are infallible. Very often we have very extraordinary statements made with regard to what has been done by landowners and by others, which, if you came to examine them, as they will be examined, no doubt, before the Commission, will prove to be very incorrect and altogether unjust. Perhaps I may be excused for taking this opportunity of making a personal statement on behalf of a noble Friend of mine, who has requested me to do so if I had an opportunity. In a recent discussion in this House, and in other ways, a reflection has been cast upon him, which he is exceedingly anxious I should take an opportunity of refuting. My noble Friend (the Duke of Richmond) has been charged with conducting the Agricultural Holdings Act through the Upper House as Minister of the day, and yet that immediately after the passing of that Act he contracted himself out of it. I know that statement has been frequently made. It was contradicted by my noble Friend shortly after. It has, however, more recently been repeated; and I am anxious, on his behalf, to give the most direct and the most complete contradiction to the statement. I mention that as an illustration of the erroneous impressions which get abroad, and, I daresay, get abroad with regard to other persons. I think an inquiry such as is now suggested may be of value in bringing to the minds of the people of this country the real truth with regard to a great many of these questions. The noble Lord asks, what are to be the limits of the course of the inquiry? Well, Sir, the object of the inquiry is tolerably patent, I think, on the face of it. The Commission is to inquire into the depressed condition of the agricultural interest, and the causes to which it is owing. My noble Friend, in assenting to the proposition, guarded himself from the supposition that we admitted that the agricultural interest all over the country was in a depressed condition, though we are prepared to admit that in some parts of the country there does exist considerable depression.

Those who go into this question will have to inquire, then, first, how far there is depression, and what is its extent; and, secondly, what are the causes to which it may be attributed, and which can be shown to have had any bearing upon it? I think it is quite clear that it does not lie with us to say, in the first instance, that you are to seek the cause in this or in that; but you will appoint a Commission to inquire what are the causes which are alleged, and which appear to them to be of a sufficiently important character to notice. Then we shall go on to inquire whether these causes are of a temporary or of a permanent nature, and how far they have been created or can be remedied by legislation. I think that is a tolerably wide, but, at the same time, I think it is a distinct reference, and one which, I think, indicates quite sufficiently what the nature of the inquiry will be. As my noble Friend has already said, we shall hope on that Commission to have Gentlemen representing occupiers as well as landowners, and others who are properly qualified for the conduct of such a Commission. It will be constituted with great care; and I think we can confidently reckon upon those who may be appointed conducting the inquiry not with any Party view, or with the purpose of establishing a foregone conclusion, but with the *bond fide* desire to ascertain the facts, and, as far as may be in their power, to suggest the remedies which may be required.

MR. NEWDEGATE said, that very valuable information had been given them as to the nature of the competition with which the agricultural interest in this country had to contend. The hon. Member for Birkenhead had, moreover, given them most valuable information as to the practices with regard to agricultural produce actually existing in this country. He wished to impress upon Her Majesty's Government that no doubt ought to be allowed to exist, but that the Commission now proposed should seek and should furnish authentic information as to the sources and means of that competition with which the agriculturists of the country had to contend not only now, but with which they might have to contend in the future. He was perfectly certain that if this branch of the inquiry were shirked or evaded, the deepest dissatis-

faction would be felt by that large and estimable class who were under the impression—and, he believed, the true impression—that they were suffering from a competition more severe than was contemplated when the Legislature adopted the system of free imports. It appeared to him that the noble Lord the Member for the Radnor Boroughs, who had personified what he called Free Trade, felt that he was placed upon the table for operation, and the noble Lord did not seem at all to enjoy his position. Few people liked to be operated upon, and it was not agreeable to be examined. The fact, however, was—let hon. Gentlemen try to evade it as they might—that, after 30 years suppression of the truth, it was necessary to inquire into the operation of the commercial system adopted in 1846. The truth, he hoped, was now acknowledged, and he rose for the purpose of leaving no doubt about its acknowledgment in the case of agriculture. Sharing, as he did, in the representation of Birmingham, he could not turn a deaf ear to the petition of those who thought that an inquiry should also be directed into the operation of the present commercial system upon the manufactures and upon the various handicrafts which found employment in that great industrial centre. If the hon. Member for Birkenhead (Mr. Mac Iver) should seek to promote such an inquiry, that hon. Gentleman would find in him a most earnest supporter. At present, he had some reason to fear that this inquiry might be narrowed in an essential point; and it seemed to him that the noble Lord represented to the House that so rotten was the condition of the landed interest in this country that, lest that condition should be discovered and examined in a hostile spirit, the Representatives of the landed interest dared not support an inquiry into the foreign competition which weighed heavily upon the tenantry. He (Mr. Newdegate) repudiated such an idea.

Mr. B. SAMUELSON said, that he rose for the purpose of making an explanation. The right hon. Gentleman the Chancellor of the Exchequer had referred to him as having given currency to a statement, made on what he believed at the time to be good authority, that the Duke of Richmond had contracted himself out of the statute. That statement was made repeatedly,

and it was made immediately after the Act came into operation, and, so far as he was aware, had never been contradicted by the noble Duke. No communication was made to him by the noble Duke upon the subject until yesterday. Immediately on receipt of that communication, he wrote to the noble Duke, saying that he would take an opportunity in this debate of rectifying the statement and of expressing his regret for having made it. He had risen in his place more than once for the purpose of making this rectification; and he begged now to express his regret at having been misled into an assertion which he now found, by the assurance of the noble Duke, to be incorrect.

Mr. SHAW wished to know whether there was to be only one Commission for the three Kingdoms, or one for each country. If there was only to be one Commission, it would take a long time in its inquiries, for there were questions connected with the agricultural interest in Ireland which would require careful and separate inquiry. Their case in Ireland was somewhat different from that of either England or Scotland. There were some points connected with agriculture in Ireland as to which they were specially desirous of inquiry; it had been alleged that the depression in Ireland resulted from peculiar causes. The right hon. Gentleman the Chancellor of the Exchequer had expressed himself desirous of taking away the opportunity for agitation in Ireland. The best way of doing that was to inquire into the facts about which the agitation was got up. There had been a considerable amount of agitation in Ireland lately, and but for this Motion being before the House he should have taken an opportunity of moving for a Royal Commission to inquire into that agitation. If rents in any part of Ireland had been unduly advanced to starvation point for the tenant, that was surely a question into which they ought to have inquiry. If there were no truth in these statements, the sooner that was recognized the better; and if there was any truth, then the fact ought to be exposed, in order to bring public opinion to bear upon such proceedings. He did not wish to take up the time of the House, though some of his hon. Friends had suggested that he should move the adjournment of the

Mr. Newdegate

debate; but if the proposed Commission were properly constituted with regard to the interests of Ireland his object would be gained. The hon. Gentleman who had originated this debate had been called to account by the noble Lord the Leader of the Opposition for stirring up national enmities upon this subject. That, he thought, was the effect of the noble Lord's observations. For his part, he considered that this question of Free Trade was a very fair question to be looked at in connection with national taxation, and he agreed with the way in which his hon. Friend had referred to it. Ireland, as an agricultural country, had been put into a very disadvantageous position by the adoption of Free Trade; although it might be said that, as Irish Members did not object to its adoption, it was adopted by the free will and consent of Irish Members. The fact was, as regarded Free Trade in Ireland at the present moment, that its effect upon that country was never considered by the English people. The English formed a great majority, and were the ruling nation, and only looked to their own interests. It was what they always did, and if Protection were adopted to-morrow, the last thing that would be looked at would be its effect upon Ireland. He should like to know from the Government whether there would be a different Royal Commission for Ireland, with different instructions from that in England or Scotland, or whether there would be only one Commission, and, if so, whether it would contain upon it some Representatives from Ireland?

THE CHANCELLOR OF THE EXCHEQUER, in answer to the question of the hon. Member, begged to state that the arrangement of the Commission was at present under consideration. It was not in contemplation by the Government to have more than one Commission, and upon that, of course, Ireland would be represented. It would be a question whether the Commission should be movable, or whether they should appoint Assistant Commissioners to make inquiries in different parts of the country.

MR. PARNELL wished to know, with reference to the statement of the right hon. Gentleman the Chancellor of the Exchequer, whether the terms of the Commission and the Members of it would be stated to the House before the appointment of the Commission, so that

it might be competent for hon. Members to bring the matter forward again if it did not give satisfaction?

MR. O'CONNOR POWER rose for the purpose of moving the adjournment of the debate *pro formâ*. He did so, because it would otherwise be entirely irregular for the right hon. Gentleman the Chancellor of the Exchequer to rise for the purpose of answering the question of his hon. Friend the Member for Meath. He had listened to the hon. Gentleman the Leader of the Home Rule Party in the expression of his views, and he had observed that he deprecated any adjournment of the discussion. He was aware that what might be called the Irish side of this question had not been presented in this debate; that he attributed to the fact that Irish Members felt that it would be very difficult for them to arrest the attention of the House upon the Irish side of the question. But he did submit that the question which had now been addressed to the right hon. Gentleman the Chancellor of the Exchequer by his hon. Friend the Member for Meath was a very fair one. His hon. Friend wished to insure that this Commission to be appointed should not be appointed in what he might venture to call the spirit of that debate, which seemed to have been the exclusion of Ireland. He did not mention that as a matter of complaint; for the fact was, Irish Members were as much responsible for not having taken their share in the discussion as anyone else in the House. He was sure that the hon. Gentleman the Member for Mid-Lincolnshire would have been willing to give their views consideration; and the right hon. Gentleman the Chancellor of the Exchequer would be serving a useful public purpose if he would now put the House in possession of the scope of this inquiry. If they were to have an inquiry at all, why not have a comprehensive one? Let them have an inquiry upon which they could base legislation and make proposals, and which might be a guide to them in future legislation. He would appeal to the right hon. Gentleman the Leader of the House to make some statement, or give some promise, with regard to this matter; and if he were now called upon somewhat unexpectedly to do this, let him come down to the House in the course of a few days, and answer the question.

Motion made, and Question proposed,
 "That the Debate be now adjourned."
 —(*Mr. O'Connor Power.*)

THE CHANCELLOR OF THE EXCHEQUER could not give the promise asked for by the hon. Member for Meath; it was not usual, in the case of a Royal Commission, to place the names or the Order of Reference before Parliament, until the Commission had been actually issued by Her Majesty. He would take care that the earliest information was given to the House upon the subject, and also that what had been urged by the hon. Member for Mayo should be duly considered in the formation of the Commission. He would remark that the hon. Member for Tralee had addressed the House, and that many Members from Scotland and England, as well as Members from Ireland, had been unable to take part in the debate, although they were desirous of doing so.

MR. CHAPLIN said, that many things had been stated in the course of the debate to which he should have been glad to reply, under other circumstances. He would only state, however, that he had been misunderstood in what he said with regard to Ireland. What he said was, that if he himself were an Irishman he should be inclined to ask why Ireland was to be sacrificed to the commercial prosperity of England? That was the substance of what he said, and he thought that the purport of it had been somewhat misapprehended.

Motion, by leave, *withdrawn*.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put.

MR. J. W. BARCLAY said, that as one of the few tenant farmers in the House, and as representing a considerable section of tenant farmers in the country, and as, he presumed, one of those mischievous agitators to whom the right hon. Gentleman the Chancellor of the Exchequer had been good enough to allude, it seemed to him that the House would be desirous of hearing his views, as the Representative of the farmers, upon the question under discussion. He had also to call the attention of the House, and of

the right hon. Gentleman the Chancellor of the Exchequer, to the Amendment he had put upon the Paper, which did not, as the right hon. Gentleman had stated, ask for the appointment of this Commission; and he could not conclude the debate without stating publicly, as a tenant farmer, that it was not from any wish or desire on the part of the tenant farmers that this Royal Commission was to be appointed. The appointment of a Royal Commission was not to relieve the crisis in which agriculture found itself, but was pushed forward, they believed, with a different object. For these reasons, and in order to give himself an opportunity of explaining his Amendment he begged to move the adjournment of the debate.

[The Motion, not being seconded, could not be put].

Resolved, That an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to appoint a Royal Commission to inquire into the depressed condition of the agricultural interest, and the causes to which it is owing; whether those causes are of a temporary or of a permanent character, and how far they have been created or can be remedied by legislation.

RAILWAYS AND TELEGRAPHS IN INDIA BILL [*Lords*].—[BILL 192.]

(*Mr. Edward Stanhope.*)

SECOND READING.

Order for Second Reading read.

MR. E. STANHOPE hoped that the House would allow the second reading of this Bill to be taken, as the effect of it, if passed, would be to save a very considerable amount of money to the Government of India. His hon. Friend the Member for Hackney (Mr. Fawcett) had proposed certain Amendments with reference to this Bill, and he hoped that they would be able to meet his views when they went into Committee. He should take an opportunity of informing the hon. Member of the Amendments which he desired to propose. The object of the Bill was to enable the Governor General of India to hand over any State Railways to be worked by the Guaranteed Railway Companies, and also to make arrangements as to telegraphs. As was well known, some of the State Railways of India had been constructed as feeders, and were an advantage not only to the State, but to the

Guaranteed Companies, of which they formed small branches. It was now found that there would be a great saving of expense if these small branch railways were worked by the Guaranteed Companies in connection with their larger systems. This could only be done by the means proposed by this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Edward Stanhope.*)

MR. FAWCETT wished to explain to the House the reasons for his withdrawal of his Amendment to this Bill. It was his feeling that this Bill, which was one of very great importance, ought to be brought forward at a time when it could be properly discussed, and, under the circumstances, he had thought it desirable to raise a debate upon the second reading. This was an illustration of the unusual difficulties in which they had been placed that Session in the conduct of Public Business; and such a state of things not only called upon the Government, but upon every private Member, not to deprive Parliament of its legislative rights. He did not blame the Government for the position of this Bill—it had been before the House for some time, and the Under Secretary had made every endeavour to bring it forward, but without success. He felt himself therefore, in this position—that if he continued his opposition to the Bill there was, practically, no chance of the Bill passing that Session. He felt that the Bill was one which required careful consideration, and, at the same time, was one which he did not like to incur the responsibility of stopping altogether. The Bill had come down to them from the House of Lords, and they were told that the House of Lords had not so much time as they had—yet there were men in the House of Lords who had peculiar experience in Indian matters; but still that Bill had passed through all its stages in the House of Lords without a single syllable of discussion taking place upon it or a single Amendment being introduced. The Under Secretary had told them what the object of the Bill was; but the words of the Bill went far beyond what the Under Secretary had admitted to be the object of the Bill. The hon. Gentleman had promised, however, to introduce Amendments into the

Bill in its passage through Committee; and he felt, therefore, that it was important that those Amendments should be placed on the Paper in order that hon. Members might judge in what way they would meet the objections that had been made. He had, therefore, agreed to adopt the course suggested by the hon. Gentleman the Under Secretary, and consented to withdraw his opposition to the second reading—although he felt that it was an inconvenient course not to have a discussion upon the second reading; yet if he persisted in his objection the Bill could not pass that Session. In consenting to the second reading, he hoped that the Under Secretary would understand that he reserved to himself the absolute right of opposing the Bill at the next stage if the Amendments which were to be proposed by the Government were not, in his opinion, sufficient to meet what he considered to be the reasonable objections that might be urged against the Bill. He trusted that the House would think that, in acting as he had done, he had adopted a fair and a reasonable course. He should offer no opposition to the second reading of the Bill, on the understanding that the Committee was not fixed at an earlier date than Monday.

Motion agreed to.

Bill read a second time, and committed for Monday next.

KNIGHTSBRIDGE AND OTHER CROWN LANDS BILL.

On Motion of Mr. NOEL, Bill to authorise the sale of a strip of land adjoining the Knightsbridge Barracks to the Metropolitan Board of Works for the improvement of the Knightsbridge Road; to transfer the management of a piece of Crown land at Hampton Court from the Commissioners of Her Majesty's Woods to the Commissioners of Her Majesty's Works; and to provide compensation for the land taken for the reconstruction and improvement of Gloucester Gate Bridge, Regents Park, ordered to be brought in by Mr. NOEL and Mr. Secretary STANLEY.

Bill presented, and read the first time. [Bill 231.]

COMMONS ACT (1876) AMENDMENT BILL.

On Motion of Mr. PELL, Bill to amend "The Commons Act, 1876," ordered to be brought in by Mr. PELL, Mr. SHAW LEFEVRE, Sir WALTER B. BARTHELOT, and Lord EDMOND FITZMAURICE.

Bill presented, and read the first time. [Bill 233.]

SLAVE TRADE (EAST AFRICAN COASTS)

BILL.

On Motion of Mr. BOURKE, Bill to amend "The Slave Trade (East African Courts) Act, 1873," ordered to be brought in by Mr. BOURKE and Sir HENRY SELWIN-IBBETSON.

Bill presented, and read the first time. [Bill 232.]

CHARITY COMMISSION EXPENSES.

Copy ordered, "of all Correspondence between the Charity Commissioners and the Treasury upon the question of the Taxation of Charities in order to meet the expenses of the Charity Commission."—(Mr. James.)

House adjourned at half after
One o'clock.

HOUSE OF COMMONS,

Saturday, 5th July, 1879.

MINUTES.] — PUBLIC BILL — Committee —
Army Discipline and Regulation [88]—R.P.

The House met at half after One of
the clock.

QUESTIONS.

SCOTLAND—DUNBAR HARBOUR.

QUESTION.

LORD ELCHO asked the Secretary to the Treasury, Whether, having received the engineer's report upon the state of Dunbar Harbour, he is now prepared to state what course he proposes to take with regard to it?

SIR HENRY SELWIN-IBBETSON, in reply, said, that the old harbour of Dunbar had never been supported in any way, either by public grants or otherwise, from the public accounts; and looking at the Act, which required certain local contributions to be made in addition to any grant from Government funds, the Government thought it within their powers to sanction an expenditure of £5,000; and the Treasury accordingly had addressed a letter to the Provost of Dunbar, offering to provide funds for the repair of Victoria Harbour, on condition that the locality undertook the

restoration of the old harbour. The engineer's estimate of the cost of the necessary repairs was — for Victoria Harbour, about £5,000; and for the old harbour, about £2,000.

THE LATE PRINCE IMPERIAL—
LIEUTENANT CAREY. — QUESTION.

SIR ROBERT PEEL asked the Secretary of State for War, Whether the inquiry, which is reported in the papers to have taken place in Zululand, into the unfortunate occurrence which resulted in the death of the Prince Imperial, is an "official inquiry" or "court of inquiry;" what is the distinction or difference to be drawn between an official inquiry and a court of inquiry; and, whether the Government have received any information on the subject; and, whether it is the result of such official inquiry or court of inquiry that a court martial is now about to be held on Lieutenant Carey?

COLONEL STANLEY, in reply, said, he would answer the first part of the Question first, because he thought that that would dispose of the whole. The court martial appeared to have been ordered on Lieutenant Carey as the result, as far as he understood, of a Court of Inquiry which had been held locally; but the official inquiry which the right hon. Baronet referred to, or intended, probably, to refer to, was what he (Colonel Stanley) mentioned the other day, when he said directions had been sent out to make ample inquiry into the matter. Those instructions he did not think could possibly have reached the Colony at the time the order for the court martial was made; and, therefore, he thought the inquiry which had taken place was a local inquiry.

ARMY—MILITARY PRISONERS—
CORPORAL PUNISHMENT.

QUESTION.

MR. CALLAN: I wish to ask the right hon. and gallant Gentleman the Secretary of State for War a Question, of which I have given him private Notice. The Question I wish to ask is, Whether it is a fact that the senior officer in command of a military district—such, for example, as Weedon—on a complaint being made of the misconduct of any prisoner, has the power to order a punishment of not exceeding twenty-five lashes; and, if it

is not so, whether there was such power a few years ago?

COLONEL STANLEY: I must ask the hon Gentleman to repeat his Question on Monday, when I shall be in a position to answer it.

ARMY DISCIPLINE AND REGULATION
BILL.—THE CAT-O'-NINE-TAILS.
QUESTION.

MR. PARNELL: I beg to ask the honourable Member for Dundalk (Mr. Callan) a Question, of which I have given him private Notice, with reference to the specimen cats now in the custody of the Sergeant at Arms. I wish to ask him, Whether those cats which are now on view, and in the custody of the Sergeant at Arms, bear any other endorsement or endorsements, or bear the same endorsement or endorsements, which they bore when the hon. Member for Dundalk inspected them the other day at the Admiralty; and, if not, whether any change has been made in the endorsement or endorsements on these cats; if so, I wish to know, what is the nature of the changes which have been made?

MR. CALLAN: Mr. Speaker, in reply to the Question, of which the hon. Member for Meath gave me private Notice three hours ago, I have to say that alterations have taken place on the endorsements of two of the cats, one only being unchanged. That which is called the "Navy cat" is the one which has not had the endorsement changed. When I first saw it, and now, it bears the endorsement—"Pattern of Navy cat, approved by the First Lord of the Admiralty, 7th December, 1877; by the Marine Office, 10th December, 1877—G. W. Rodney, Deputy Adjutant General." With respect to the other cat—the cat which came from the *Duke of Wellington*—when I first saw it at the Admiralty it bore the endorsement—"Navy cat from the *Duke of Wellington*, 25th June, 1879; Her Majesty's Dockyard, Portsmouth." To that endorsement an addition—and, I think, no one will deny an important addition—has been made. The words "never used" have been added. Those words were not upon the cat when I inspected it at the Admiralty; and if they had been I should have considered it to be my duty to mention it when I drew the attention of the

Committee of the House to it the other day. The endorsement on the other cat was—"Specimen cat, used many years since. Her Majesty's Dockyard, Portsmouth, 26th June." That endorsement, and the paper upon which it was written, have been entirely removed, and a new paper and a new endorsement substituted for it. The cat now bears the endorsement—"Cat approved for use on board Her Majesty's ships for Seamen and Marines." That endorsement has been substituted for—

MR. SPEAKER said, the Question of the hon. Member for Meath was scarcely regular, because it did not refer to any Bill or Motion before the House. He did not feel bound to interfere before; but now that the hon. Member for Dundalk (Mr. Callan) had proceeded to make a statement which might lead to an argument, and which might be controverted, he felt that in that respect it would be going beyond the limits allowed in replying to a Question.

MR. CALLAN said, he accepted the decision of the right hon. Gentleman at once. He was merely endeavouring to answer the Question that had been put to him, and was not travelling one inch beyond the fact that another instrument had been substituted.

LORD ELCHO: In reference to the Question that has just been asked by the hon. Member for Meath—

MR. SPEAKER: I have already pointed out that any discussion upon it is out of Order.

SOUTH AFRICA—THE ZULU WAR—
NEGOTIATIONS WITH CETYWAYO.

QUESTION.

SIR ROBERT PEEL asked Mr. Chancellor of the Exchequer, Whether Her Majesty's Government have received any information from the Cape confirming the report that Lord Chelmsford has refused to entertain proposals from Cetywayo for peace until certain conditions have been complied with?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he himself had not received the information to which the right hon. Baronet referred, and he was not aware that such information had been received by any Department of Her Majesty's Government.

ORDER OF THE DAY.

ARMY DISCIPLINE AND REGULATION
BILL.—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 3rd July.*]

Bill considered in Committee.

(In the Committee.)

Military Prisons.

Clause 131 (Establishment and regulation of military prisons).

Amendment proposed, in page 70, line 15, after the word "correction," to insert the words "not exceeding twenty-five stripes in the case of corporal punishment."—(*Mr. Sullivan.*)

Question proposed, "That those words be there inserted."

Amendment proposed to the proposed Amendment, to leave out the word "stripes," in order to insert the word "lashes,"—(*Mr. Secretary Cross,*)—instead thereof.

Question proposed, "That the word 'stripes' stand part of the proposed Amendment."

Mr. CHAMBERLAIN rose for the purpose of making a request to the right hon. Gentleman the Secretary of State for the Home Department to withdraw his Amendment, in order that an Amendment which stood on the Paper in the name of his hon. Friend the Member for Meath (*Mr. Parnell*) might be proposed to the Committee. The right hon. Gentleman would see that if his Amendment was first disposed of, and the words which he proposed to insert were inserted, it would be impossible for his hon. Friend the Member for Meath then to bring forward his Amendment. Under the circumstances of the case, and in consequence of events that had taken place, he thought it would be desirable that the hon. Member for Meath should have an opportunity of bringing forward the Amendment which stood in his name. It would be in the recollection of the Committee that a short time ago, when this subject was under discussion, the right hon. and gallant Gentleman the Secretary of State for War made an appeal to the Com-

mittee, which it was very difficult for the Committee to resist, and which was also supported by the noble Lord the Leader of the Opposition (the Marquess of Hartington). He stated that if the Committee felt any confidence at all in him, they ought to leave the administration and the settlement of such details as the nature of the instrument by which punishment was to be inflicted to him. Unfortunately, after what had taken place in the Committee on Friday last, they could no longer allow this question to rest in the hands, even of the most honourable and most humane of Secretaries of State for War. They found that the right hon. and gallant Gentleman had so much business to attend to that he had no time to make himself acquainted with details, but had been misled by false information, which he had received from subordinates; and, under these circumstances, it would put the Committee in a wrong position if matters were left in their present position. It would be within the recollection of the Committee that in the previous discussion which had taken place upon the subject, the right hon. Gentleman the First Lord of the Admiralty, in reply to a question of the hon. Member for Dundalk (*Mr. Callan*), assured them that the instrument which was used for inflicting these punishments was a cat-o'-nine-tails without knots. Now, the question whether the cats were with or without knots upon the nine tails was one of very great importance. It depended upon that whether the punishment, which they all regretted should be administered, should be administered consistently with the dictates of humanity—should be as lenient as was consistent with the maintenance and preservation of discipline—or whether, on the contrary, that the instrument intended deliberately to inflict the greatest amount of torture should be that in use in the British Army. Since these statements were made, the right hon. and gallant Gentleman had admitted that he was misinformed, and that the cat was a cat with knots in the tails. He (*Mr. Chamberlain*) had been to see the instrument; and he would venture to say that it was simply impossible to imagine a more brutal instrument for inflicting a brutal punishment. The instrument, which had been sometimes referred to as the "Marine cat"—which the right hon. and gallant Gentleman had

stated was the instrument in use in the Army, consisted of nine tails of thin whipcord, and these had upon them nine or more knots on each tail. There was not the slightest doubt that when that instrument was applied by a powerful man, with a downward motion, in the usual way, every one of those knots would remove a piece of flesh from the back of the sufferer. He thought that the right hon. and gallant Gentleman had misled the Committee—unintentionally, of course, but without the slightest blame—and that the punishment that would be really inflicted by this instrument was not the punishment which they had been discussing, or which the Committee had any conception of up to the present time. The punishment which such an instrument would inflict was, he thought, in fact, not one which the Committee would allow to be inflicted. Under these circumstances, and having regard to the feelings expressed on the subject, he trusted that the Government would see its way to re-consider this question, and to ascertain whether it would not be possible to meet those views, and to relieve the British soldier from the possibility of being subjected to this brutal and degrading punishment. He did not think that there was one single argument which had been used in this debate in favour of the punishment of flogging which could not be used with equal force in defence of the thumb-screw. They were there in the 19th century discussing as to the amount of torture which could be inflicted on soldiers, and using instruments which they thought had been discarded altogether. And the punishment they were considering was worse than the thumb-screw; for after suffering the thumb-screw a man could go away without carrying with him in after years permanent marks of his degradation, and losing his self-respect. He (Mr. Chamberlain) did not threaten that if this Bill went through, in its present form, 500,000 men would meet in Hyde Park; but he did say that if the question were understood in the country—as it was not, owing to the necessarily brief reports published of the proceedings in that House—there would be, and he should say there still might be, a very great and general agitation of the constituencies against the retention of such

a brutal punishment for the British Army—a punishment which had been abandoned in every other European State. When the General Election came on inquiry would be made as to the conduct and action of the Government in the matter; and it would be a very difficult question for hon. Members to answer as to how they had given their votes upon the question of flogging in this Bill. He was convinced that the vote which Her Majesty's Government was pushing on was a vote against the convictions of a large majority, and did not represent the real feeling and sentiments of the Committee with regard to this punishment. It only represented the desire of hon. Members opposite to give every support they could to Her Majesty's Government in the proposals it might advance. He believed that hon. Gentlemen opposite, like every hon. Member on his side of the House, would experience a general feeling of relief if Her Majesty's Government could see its way, even at the last moment, to abandon this punishment. An attempt had been made, at different periods during the debate, to describe the opposition which had been made to the Bill as Irish obstruction. He would venture to tell the Government that they were mistaken in supposing that the opposition to this principle of corporal punishment was confined to Irish Members, or that they had any ulterior view in regard to the matter. The feeling, so well expressed by Irish Members again and again, was shared in by English Members; and, so far from the opposition to the infliction of that punishment being confined to Irish Members, the Division Lists would show that many English Members had voted against the retention of the punishment. If Irish Members were guilty of obstruction, he said English Members were decided to adopt the same course—call it obstruction, or systematic opposition, or what they would—and he believed that in taking that course they would be supported by a vast majority of their constituents out-of-doors. He would, therefore, urge the Government to get rid of this stumbling-block in the way. If the Government would but remove it, he would venture to promise them that they would get through the remaining clauses of the Bill in the Committee that afternoon. ["No, no!"] Well, he spoke

for himself and his Colleagues; but, at all events, he might say that they were prepared to withdraw all further opposition to the Bill, if that objectionable provision were removed. By taking that course the Government would get rid, in a comparatively short time, of everything which could be considered in the nature of obstruction.

MR. ASSHETON CROSS said, he did not think that the general question of flogging in the Army was well raised on this particular clause, for the clause had nothing whatever to do with flogging in the Army, but only in prisons, whenever by the prison rules it could take place. Flogging in the Army was provided for by the earlier clauses of the Bill; and he should have thought that the better course to have adopted would be to have discussed this question on the Report. With regard to the proposition that had been made to him by the hon. Member for Birmingham (Mr. Chamberlain), the Government would give every facility for the hon. Member for Meath (Mr. Parnell) to move anything he might wish. But the fact was, that the hon. and learned Member for Louth (Mr. Sullivan) had an Amendment upon the Paper, which could not be accepted in its present state, and to that he (Mr. Assheton Cross) had proposed an Amendment to alter the word "stripes" to "lashes." If that were done, the matter would be settled; and, therefore, he should suggest the insertion of his Amendment in the Amendment of the hon. and learned Member for Louth.

MR. HOPWOOD said, that he should be sorry to commence a general discussion upon this subject; but he trusted that Her Majesty's Government would see its way to intimate to the Committee some considerable modification in its views. He hoped that the Government would yield upon the matter. If that were done at that moment, he really did think that his hon. Friend's (Mr. Chamberlain's) prognostication would be realized. For his part, he must disclaim any desire to block or obstruct the Bill; but, so far as they had obstructed it, their opposition had been justified. Her Majesty's Government had yielded, in many important particulars, after a considerable amount of pressure; and he thought that they ought, therefore, to make an allowance

for them, and to consider that they were justified, to the full extent, in what they had done: for if they had not opposed the Bill to the full extent of the means in their power they would not have succeeded so far as they had. Could not Her Majesty's Government hold out some hope to them that what was urged upon them from all sides of the House should be seen to? He was sure that the question would grow; and that a number of hon. Members who now voted for the retention of this punishment would have cause to regret that they had done so.

MR. RYLANDS thought it would be well for the right hon. Gentleman the Secretary of State for the Home Department to consider the point which had been raised by the hon. Member for Birmingham (Mr. Chamberlain). If the Amendment of the right hon. Gentleman were not withdrawn, it was clear that the effect of its adoption would be to preclude the proposal of the hon. Member for Meath (Mr. Parnell) being brought forward.

MR. ASSHETON CROSS thought that the hon. Member for Burnley (Mr. Rylands) was mistaken as to the effect of the proposal which he had advocated. He (Mr. Assheton Cross) would further point out that the Amendment, to which his own proposal was an Amendment, was entirely in the hands of the hon. and learned Member for Louth (Mr. Sullivan), and could not be withdrawn, except with his sanction.

MR. RYLANDS said, that it could be withdrawn, with the consent of the Committee; but that consent could not be given, as the hon. and learned Member for Louth (Mr. Sullivan) was not then present.

MR. PARNELL said, he had an Amendment on the Paper which he gave Notice of last night, the object of which was to except corporal punishment from the list of punishments which might be inflicted in military prisons. He had an idea that personal correction included a great many other things besides corporal punishment. They had now seen the cats, and were able to see that the prison cat used was of such a severe description as would, in all probability, very materially alter the views of the Committee. If the Amendment of the hon. and learned Member for Louth was amended by the words pro-

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posed by the right hon. Gentleman the Secretary of State for the Home Department, it would preclude him (Mr. Parnell) from moving his previous Amendment, because they would then have agreed to the words "corporal punishment." On the other hand, if the right hon. Gentleman would withdraw his Amendment, and allow that of the hon. and learned Member for Louth to be negatived or divided against, that course would not preclude him from moving his previous Amendment. The Amendment of the right hon. Gentleman could be brought forward afterwards, if the Committee decided to retain corporal punishment in gaols. That appeared to him to be the only course by which the Committee could be enabled to come to a decision upon corporal punishment in gaols in view of the new evidence that they had had that day. Then, if the Committee still decided to retain corporal punishment in gaols, they would have the advantage of the reduction of lashes proposed by the Secretary of State for the Home Department; whereas, if the right hon. Gentleman went on with his Amendment, they would be placed in this position—those who desired the abolition of corporal punishment would be compelled to oppose his Amendment to reduce the number of lashes. The only fair way, in his (Mr. Parnell's) opinion, was for the right hon. Gentleman to allow the Amendment of the hon. and learned Member for Louth to be negatived, then he could take the sense of the Committee upon the question of corporal punishment.

COLONEL STANLEY said, that he had always been willing to give the Committee all possible information in his power. When he had spoken on this matter he had always asked the Committee to remember that he spoke with the responsibility of the maintenance of discipline in the Service. He thought that if hon. Gentlemen opposite looked to the discussion throughout, they would feel that in what the Government had thought it its duty to advocate it advocated from a sense of duty—he might put it more plainly, that there was as much humanity on one side of the House as on the other. That being so, he might go one step further, and say that it would not escape observation that he, perhaps, deserved some little censure for

not having placed upon the Table of the House the Schedule which he had promised. In deciding upon that, they had to remember, on the one hand, that they must insist upon carrying out strict discipline under all circumstances of the Service; and, on the other hand, that they could not refuse the military authorities the means by which alone, under certain circumstances, they could carry it out. He was not in a position to make any statement upon that occasion; but, having carefully considered the matter with his Colleagues, he would ask the Committee to receive an assurance from him that when he came to move the Schedules—the words "corporal punishment" having already been agreed upon—when they came to those Schedules, it would be his duty to make a statement that he had no doubt would be satisfactory to the Committee. He must point out, at the same time, that the chief point that arose in his mind was that discipline must be such as could be carried out in the field as well as at home. If persons would look at the recorded opinions of men like Sir Charles Napier, Sir Garnet Wolseley, the Duke of Wellington, and others, they would see that discipline in the field must be prompt, and in some cases must be severe. He would quote from recollection that Count Von Moltke, speaking in the German Parliament upon a point of discipline, said that punishment should be "sure and sharp," and he could not agree with those who thought that punishment should be "short and mild." With this explanation of his views, he would ask the hon. Gentleman (Mr. Parnell) not to raise the general question until they came to the Schedules, when he trusted that it would be in his power to give some explanation to the Committee.

MR. CHAMBERLAIN said, that he was sure hon. Gentlemen would acknowledge that he had imputed nothing in the nature of want of humanity to hon. Members opposite. He had heard with satisfaction the statement that the right hon. and gallant Gentleman the Secretary of State for War had made, and which he hoped augured the intention of Her Majesty's Government either to abolish flogging altogether, or to reduce it to a minimum. He would point out that the remarks of the right hon. and gallant Gentleman were rather outside

the question raised by this Amendment. He was dealing with the question of discipline in the field; but the discipline to be enforced upon soldiers in the field was an entirely different question to the discipline to be enforced upon them in prison. He did not think that there would be any difficulty in coming to a decision upon this matter; for the right hon. Gentleman the Secretary of State for the Home Department had expressed his willingness to facilitate the matter. They desired to abolish corporal punishment in the military prisons. The argument in favour of corporal punishment in the field did not apply to soldiers in prison. That was a question which, in the first instance, they desired to raise. If they failed to bring over the Committee to their views, they were anxious to accept the Amendment of the right hon. Gentleman the Secretary of State for the Home Department, who was willing to reduce the punishment which might be inflicted. If the course which he (Mr. Chamberlain) had suggested were taken, then, when they had divided upon the Main Question, they would be able to accept the Amendment of the right hon. Gentleman.

MR. ASSHETON CROSS would only point out that the Amendment of the hon. and learned Member for Louth (Mr. Sullivan) was not under his control; but on the understanding that that should be negatived he would consent to take the course suggested.

MR. HOPWOOD said, he had heard with great pleasure the words of the right hon. and gallant Gentleman the Secretary of State for War, and he was sure that what he had said would shed a ray of hope through the country, which would be terribly disappointed if the expectation was not fulfilled, as he (Mr. Hopwood) had little doubt it would be fulfilled, by Her Majesty's Government.

MAJOR NOLAN said, there was one point in the otherwise very satisfactory speech of the right hon. and gallant Gentleman the Secretary of State for War to which he (Major Nolan) wished to allude. The right hon. and gallant Gentleman said that by means of corporal punishment alone military discipline could be maintained in the field. How was it they found that discipline could be maintained in the Armies of foreign States—in the German, in the

Russian, in the French Army—without flogging? With regard to the quotation from the speech of Count Von Moltke, he had read it; but he did not think he went so far as the right hon. and gallant Gentleman seemed to think. He could not help contrasting it with an observation in *The United Service Gazette* of a recent date. Great importance was attached to that paper, because it was well known that a gentleman connected with it was a great authority on German Army matters. There was a statement in that paper that during the wars of 1866 and 1871 there was not a single German shot or flogged for any breach of discipline. It seemed to him (Major Nolan) that that matter not only disposed of the necessity of flogging, but disposed of the very great argument which had been put forward by the opposite side of the House to show that if they did not flog they must shoot. They knew that there were facts connected with *The United Service Gazette* which made it extremely probable that any statement put forward by it upon the German War would be perfectly correct. If it was true that in the wars of 1866 and 1871 no German was ever shot or flogged, he thought that the argument that discipline could only be maintained by flogging, and if they did not flog they would have to shoot, fell to the ground.

MR. W. E. FORSTER said, he also had heard with great pleasure the exceedingly satisfactory remarks made by the right hon. and gallant Gentleman the Secretary of State for War. He would like to say one word, however, upon the general question, because he did not suppose that it would now be brought forward to any great extent until they had heard the promised statement of the Government. He had not taken part in the discussions on the Bill, as he had not much knowledge upon the subject; but he had watched it, during its progress, with very great interest: and he really believed that the time was come when it would tend both to promote the discipline of the Army and be to the general advantage that this punishment should come to an end. He thought that if the right hon. and gallant Gentleman the Secretary of State for War could abolish this punishment it would be better for the discipline of the Army and for its general interests.

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If it was to be done at all, it would be infinitely better that it should be done by the Government themselves, if they possibly could do it. He made these remarks entirely in a conciliatory spirit. It was impossible to sit opposite the right hon. and gallant Gentleman the Secretary of State for War, and the other Members of the Government, and not to feel that they disliked this punishment as much as hon. and right hon. Gentlemen did upon this side of the House. He had no doubt whatever that the Government had been informed, by many persons concerned in the administration of the Army, that it was exceedingly difficult to keep discipline up without this punishment. But, on the other hand, they must remember that they had to raise an Army out of a free country. This was not the punishment of a civilized country; it was a barbarous and disgraceful punishment. Their great object was to raise the status of the Army. He thought the Government and the Horse Guards should have some trust in the Army of the future, and that they should believe that they would get on better without this punishment than with it. At all events, the result of these discussions had been very much to limit and curtail the punishment, and to place it under the strongest possible safeguard, and there could not be much doubt that it would be very little used, even if retained. They could not, however, suppose but that the question as to the retention of the punishment would be raised year after year on this Bill coming annually before Parliament until it was abolished. He hoped, therefore, that the Government would see their way out of these difficulties by informing the Committee, in their promised statement, that they had decided to abolish the punishment.

THE CHAIRMAN said, he was bound to point out to the right hon. Gentleman that a discussion upon corporal punishment generally did not arise on the clause then before the Committee. The clause they had under consideration only referred to the infliction of the punishment in prisons.

MR. M'LAREN said, he had taken very little part in the discussion. He desired, however, now to express his most earnest hope that Her Majesty's Government would give way to the feel-

ing of hon. Members on both sides, and would abolish flogging altogether.

MR. O'DONNELL said, he had also heard, with the very greatest pleasure, the assurance of the right hon. and gallant Gentleman the Secretary of State for War. In corroboration of some views that he had lately expressed, he would mention the fact that the news of the flogging of men of the Connaught Rangers at the Cape was, as he had expected, producing a wide-spread agitation throughout Ireland.

THE CHAIRMAN said, that the question of flogging in the field, to which the hon. Member was referring, was not raised upon the Question before the Committee.

MR. O'DONNELL said, he would not pursue the subject further at that time.

Amendment (*Mr. Secretary Cross*), by leave, *withdrawn*.

THE CHAIRMAN said, it was not the custom to allow an Amendment to be withdrawn, unless on leave being asked by the proposer, or by someone expressly authorized by him. The proper course to be taken would be to negative the Amendment, if the hon. Member proposing it should be absent, and had not authorized anyone to withdraw it in his name.

Amendment (*Mr. Sullivan*) *negatived*.

MR. PARNELL, in rising to move, as an Amendment, in page 70, line 17, after "correction," to insert "excepting corporal punishment," expressed a hope that the Government would see its way to accept it. During the very interesting discussion upon the Amendment moved by the hon. and gallant Baronet the Member for Sunderland (Sir Henry Havelock) on Thursday last, the right hon. Gentleman the Secretary of State for the Home Department was good enough to say that he thought there should be some clear distinction between the prison treatment of soldiers convicted of breaches of military discipline and the prison treatment of soldiers convicted of crimes of a disgraceful or immoral character and all offenders against the ordinary laws of the land. He (Mr. Parnell) was encouraged, under these circumstances, to hope that the right hon. Gentleman might see his way, if not to accept his (Mr. Parnell's) Amendment in its entirety, yet to except the punishment

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. O'Connor Power.*)

THE CHANCELLOR OF THE EXCHEQUER could not give the promise asked for by the hon. Member for Meath; it was not usual, in the case of a Royal Commission, to place the names or the Order of Reference before Parliament, until the Commission had been actually issued by Her Majesty. He would take care that the earliest information was given to the House upon the subject, and also that what had been urged by the hon. Member for Mayo should be duly considered in the formation of the Commission. He would remark that the hon. Member for Tralee had addressed the House, and that many Members from Scotland and England, as well as Members from Ireland, had been unable to take part in the debate, although they were desirous of doing so.

MR. CHAPLIN said, that many things had been stated in the course of the debate to which he should have been glad to reply, under other circumstances. He would only state, however, that he had been misunderstood in what he said with regard to Ireland. What he said was, that if he himself were an Irishman he should be inclined to ask why Ireland was to be sacrificed to the commercial prosperity of England? That was the substance of what he said, and he thought that the purport of it had been somewhat misapprehended.

Motion, by leave, *withdrawn*.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put.

MR. J. W. BARCLAY said, that as one of the few tenant farmers in the House, and as representing a considerable section of tenant farmers in the country, and as, he presumed, one of those mischievous agitators to whom the right hon. Gentleman the Chancellor of the Exchequer had been good enough to allude, it seemed to him that the House would be desirous of hearing his views, as the Representative of the farmers, upon the question under discussion. He had also to call the attention of the House, and of

the right hon. Gentleman the Chancellor of the Exchequer, to the Amendment he had put upon the Paper, which did not, as the right hon. Gentleman had stated, ask for the appointment of this Commission; and he could not conclude the debate without stating publicly, as a tenant farmer, that it was not from any wish or desire on the part of the tenant farmers that this Royal Commission was to be appointed. The appointment of a Royal Commission was not to relieve the crisis in which agriculture found itself, but was pushed forward, they believed, with a different object. For these reasons, and in order to give himself an opportunity of explaining his Amendment he begged to move the adjournment of the debate.

[The Motion, not being seconded, could not be put].

Resolved, That an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to appoint a Royal Commission to inquire into the depressed condition of the agricultural interest, and the causes to which it is owing; whether those causes are of a temporary or of a permanent character, and how far they have been created or can be remedied by legislation.

RAILWAYS AND TELEGRAPHS IN INDIA BILL [*Lords*].—[BILL 192.]

(*Mr. Edward Stanhope.*)

SECOND READING.

Order for Second Reading read.

MR. E. STANHOPE hoped that the House would allow the second reading of this Bill to be taken, as the effect of it, if passed, would be to save a very considerable amount of money to the Government of India. His hon. Friend the Member for Hackney (Mr. Fawcett) had proposed certain Amendments with reference to this Bill, and he hoped that they would be able to meet his views when they went into Committee. He should take an opportunity of informing the hon. Member of the Amendments which he desired to propose. The object of the Bill was to enable the Governor General of India to hand over any State Railways to be worked by the Guaranteed Railway Companies, and also to make arrangements as to telegraphs. As was well known, some of the State Railways of India had been constructed as feeders, and were an advantage not only to the State, but to the

tection of the warders, that there should be this power of punishment. He entirely agreed with hon. Members opposite that it should be used as little as possible; and so strongly did he feel that, that only quite lately he sent out a Circular to all the gaolers, that this punishment was not to be resorted to, and the Visiting Justices were not to be asked to sanction its infliction, except in cases of absolute necessity. He could not go further than that at the present moment; and he must ask the hon. Member for Meath (Mr. Parnell) to consider that since they discussed this question in 1877, he (Mr. Cross) had appointed a very careful and excellent Commission to consider the whole question of prison discipline. He could only say that if they could recommend, after careful consideration of the matter, that this punishment should be abolished, he would immediately give effect to that recommendation. Until, however, he had received their Report, and saw what they were prepared to do, he would not be justified in making a change of that kind. The Commissioners had gone very carefully into the matter; and if, as a consequence, they were of opinion that this punishment should be done away with, he would certainly follow their advice: but until that advice was presented to Her Majesty, in the House of Commons, he did not feel justified in making any alteration in the present system. Therefore, he hoped this matter would be allowed to stand over until that Report was presented. As to the instruments in use, he wished to explain that there was formerly a different kind of cat in use at the prisons. The Commission of 1872 or 1873, however—a Royal Commission, of which Lord Grey was Chairman—recommended an alteration, because, in their opinion, that cat was not severe enough for the purpose for which it was necessary: when, in consequence of that, his Predecessor in Office authorized the use of the particular cat which had been employed ever since.

MR. CHAMBERLAIN said, he could not but admit that the statements by the right hon. and gallant Gentleman the Secretary of State for War and by the Secretary of State for the Home Department had altogether changed the circumstances under which they approached the consideration of this question. He

felt for himself—of course, he was only entitled to speak for himself—that it would not be justifiable in them to continue any further opposition, at the present stage, to the flogging clauses of this Bill. He sincerely hoped, therefore, that his hon. Friend the Member for Meath (Mr. Parnell) would be contented with the assurance that he had just received, and would withdraw his Amendment. The Secretary of State for the Home Department had stated that the prisoners could not be punished except for serious offences. He begged to call his attention to one of the prison rules, which enacted that for the following offences, committed by prisoners convicted of felony, and sentenced to hard labour, corporal punishment should be inflicted. Amongst the offences named were the following:—"Repetition of insulting or threatening language to any officer or warder of the prison." That might be a serious offence; but, on the other hand, an ill-tempered gaoler might report language which would not justify this severe punishment. Again, a second clause included wilfully and maliciously breaking prison windows. Surely, to break a prison window was not an offence to justify a severe flogging. He only called attention to the matter, however, with the hope that the right hon. Gentleman would deal with it.

MR. E. JENKINS said, he would like to perfectly understand what it was the Secretary of State for the Home Department had offered. As he understood, his hon. Friend (Mr. Chamberlain) had pointed to the fact that there was a class of persons who, after having committed certain offences, were liable to corporal punishment; and what he desired to know was, whether it was clearly understood that the right hon. Gentleman would narrow the right granted under this clause to make regulations with regard to the flogging of soldiers in prisons, and would agree that soldiers should be put on precisely the same footing as other persons?

MR. ASSHETON CROSS, interrupting, said, what he proposed was, to accept the Amendment of the hon. Member for Birmingham (Mr. Chamberlain), which then would run something like this—

"Nor authorize corporal punishment to be inflicted for any other offence, or for an offence

for which such punishment could be inflicted in prisons, under the Act of 1865."

MR. E. JENKINS thought that they wanted also the insertion of the words "under such circumstances."

MR. RYLANDS thought it was not quite satisfactory to the Committee to be told, as a justification of the continued use of this very objectionable instrument, that it was determined upon by a previous Commission. Perhaps the right hon. Gentleman would give an assurance with regard to the cat employed in the prisons.

MR. ASSHETON CROSS said, the whole question of the cat employed in prisons would have been considered before but for the appointment of the Commission, to which everything had been referred; but for that Commission the question would already have received his consideration.

MR. BIGGAR did not think his hon. Friend (Mr. Parnell) should withdraw his Amendment. The assurances that they had received from the right hon. Gentlemen on the Government Benches were of the vaguest description. The right hon. Gentlemen simply confined themselves to generalities. They said, what was no doubt very true, that they were personally very much opposed to this system of flogging; but then they sheltered themselves behind the decisions of former officials, and of the private recommendations of persons who were not responsible to the House, and of whom the House did not know. In opposing a clause of this sort, their primary duty was to see that the instructions given were so explicit that no mistake could be made, and that their views should be entirely carried out. With reference to prison discipline, the right hon. Gentleman the Secretary of State for the Home Department constantly protested, in the most vehement terms, during the passing of the present Act, his desire to act with humanity to prisoners, and his desire that they should be treated in a very lenient manner. But in all that discussion he did not tell them that the cat was in use in prisons, such as had been described to them that day. It was thoroughly different to the one in operation in the Army. Seeing that this system of prison discipline was carried on as it was, he (Mr. Biggar) thought the right hon. Gentleman, in spite of what any Com-

mission might report, ought to give way; because, after all, a Commission had only to take evidence and make recommendations. The right hon. Gentleman would be able to carry out their recommendations, which, after all, were simply the opinions of so many gentlemen. He (Mr. Biggar), himself, would be very much in favour of fighting this question on this broad issue to a final settlement. His reason was, that persons in gaol were very much worse treated in the matter of flogging than anyone outside; because they were, in the first place, utterly powerless, and without any public influence to support them. In places of that kind, they ought to be treated with much more humanity than in the case of soldiers in the field. Yet they found that this prison cat was a much more terrible weapon than any other cat, and it could be used for very trivial offences; besides which it could be used without coming under the gaze of the public, and without being subject to public opinion, as were the cats used in the Army and Navy. To say that a man was to be flogged to death, as he might very probably be, with such an instrument as they had seen in the cloak-room, for using what a prison warder might be pleased to call insulting language, seemed to him to be a thing which could not be maintained. In short, it seemed to him that those persons who supported such a proposal must surely wish that there should be no British Army; or, that if there was to be a rank and file, that it should consist of men of the vilest description possible.

SIR ROBERT PEEL said, after the statement they had heard that afternoon, there could be no doubt the Government were about to yield to the opposition which had been raised. No one could doubt, who had watched the last meetings of the Committee, and had seen the diminished opposition the Government had felt it necessary to give to this system of punishment, that their opinions had altered under the opposition of hon. Gentlemen opposite. He must say that the statement made by the Secretary of State for the Home Department was one of a very serious character; because, although no one would doubt the kind and amiable character which distinguished that right hon. Gentleman, still there was a point in his

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statement which showed how absolutely desirable it was that further limitations should be made to the use of the cat. The right hon. Gentleman stated that if the military prisoners should be treated as civil prisoners, surely it was unjust that men, simply because they were soldiers, should be subject to a harsher system—

MR. ASSHETON CROSS said, they never were; but as the clause was drawn it would have permitted a harsher treatment than had been given before. His statement was, that he would consent to the insertion of words which should make the treatment of soldiers the same as that of civil prisoners.

SIR ROBERT PEEL said, that was a very satisfactory statement; and he was sure the right hon. Gentleman would take care that this punishment should not be inflicted, unless it was absolutely necessary; but it was clear that if the Committee had not raised opposition—

MR. ASSHETON CROSS must again beg pardon for interrupting. He had been entirely mistaken. He had never said he would take care nothing should be done in the future which was done in the past. What he had undertaken to do was to put in words which should, by statute, prevent the soldier being treated more harshly than he had hitherto been treated.

SIR ROBERT PEEL replied, that he took down the words of the right hon. Gentleman, and he would state what they were. The right hon. Gentleman said that he would take care that military prisoners were put upon the same footing as civil prisoners, and that these punishments should not be inflicted, except upon actual necessity. Now, he had said he was prepared to act upon the recommendation of a Commission which was about to report on the whole question of prison punishments; and if that Commission reported that flogging should be abolished in prisons, that he was prepared to accept that recommendation. Now, would it not be much more gracious if the Government were at once to yield to the Irish Members and their friends on this question, than to hold out any longer? That Commission was sure to report in favour of the abolition of punishments of this character, and it would be far better if the Government would yield before the end of the discussion. Anyone could

read that that was coming upon the lines of this discussion; and, in fact, he was satisfied that the Government meant to give way. Then let them do it now. Then the Committee could proceed at once, and the Business of the House could no longer be stopped. He could not resume his seat without expressing, in his own name, and in the name of many thousands in the country, the great satisfaction which would be felt at the determined resistance which had been made by hon. Gentlemen opposite. He spoke not only of those who came from Ireland, but of others who shared their opinions; and he honestly endeavoured, in conjunction with them, to erase altogether from the Statute Book punishments which shocked the feelings of the English people. The hon. Member for Birmingham (Mr. Chamberlain) had told them that if they abolished this punishment—as he himself believed the Government did intend to abolish it—that it would improve the *morale* of the British Army. As the right hon. Gentleman the Secretary of State for the Home Department had told them that he would abolish it, if the Report of the Commission was in favour of doing so, he (Sir Robert Peel) could only say it would be far more graceful that the appeals, made night after night for three weeks to the Government, to honestly and frankly say that which they most probably intended to do, should be complied with. It would immensely relieve their supporters on that side of the House. They hardly knew what course to take in the matter. There were many hon. Gentlemen on the Benches near him who listened to the debate, and were prepared to support the Government; but when they saw the Government could not relinquish the position they originally took they were placed in a very difficult position, not knowing whether they should get up and support the Government.

SIR WALTER B. BARTTELOT observed, that he had listened attentively to the remarks of the right hon. Baronet the Member for Tamworth (Sir Robert Peel); and he was bound to admit that there was an impression amongst hon. Members on that side of the House that the Government did intend to give way on that question. He was, therefore, going to put a question plainly and directly to the

Government, because they had no right to keep hon. Members in that position. He, and other hon. Friends, came down honestly to support the Government, having quite as much regard to humanity as any hon. Members on the opposite side of the House, in that which they believed to be imperatively necessary for the discipline of the Army, which they desired to see maintained with all those traditions and in that high state of discipline for which it had been so remarkable. That being so, they had a right to ask whether it was the intention of the Government to give way; because, if that were the case, Ministers ought not to call upon them to make statements, if at the end the whole question was to be sacrificed, and that it was to go forth at the last that the Government were in the wrong, and that the few Members who opposed them were in the right. The Chancellor of the Exchequer, then, should let them know distinctly, in the necessities of the discipline of the Army, whether he meant to maintain this corporal punishment? With regard to the statement of the hon. Member for Meath (Mr. Parnell), concerning the treatment of soldiers in prisons, he should like to tell that hon. Member that he, himself, had had a very long experience, for he had been a visiting magistrate for over 30 years, and during the whole of that time he was only once called upon to flog in the gaol he visited. That was in the case of a soldier—a French soldier—who had endeavoured to murder, or, at any rate, to violently assault the warders as they came round. He would like to ask the hon. Gentleman opposite whether that was not a proper case, or whether, supposing soldiers put in a prison, under such circumstances, ought to be subjected to any different treatment, or were to be able to combine to take the life, for instance, of the warders of the gaol, without fear of corporal punishment; while other prisoners in the same place would be subject to that punishment? Generally speaking, soldiers in civil prisons were placed there for long sentences for very grave crimes. Why should such men be put in a different position to civilians in that prison? In fact, no discipline could be maintained unless all were treated alike. Again, when the prisoner was brought before the visiting justice by the gaoler, in order

to be sentenced to corporal punishment, two visiting justices were required to be present; and they were required to take down, in writing, the evidence of the warders, and of the Governor of the gaol, on oath, and afterwards they must say whether the offender ought to be flogged or not. He would ask the hon. Member for Meath, whether he really thought that men in the responsible position of visiting magistrates in a gaol would be likely, if they could possibly help it, to inflict a punishment of this sort, unless they knew it was absolutely necessary for the maintenance of discipline? It must be remembered that there were a great many prisoners in these prisons with very few persons to control them. If they did not keep up discipline, they might just as well not send a man to prison at all. A good deal of stress had been laid on the cats they had seen in the Oriel Chamber. He was exceedingly sorry these cats were placed there. [Mr. BIGGAR: Hear, hear!] If the hon. Member for Cavan would wait until he (Sir Walter B. Barttelot) had finished, he would not laugh, and cry "Hear, hear!" in that way. The hon. Member had described these cats as instruments of the greatest torture. Well, if they were used in the state in which they were exhibited, they would be instruments of the greatest torture; but he could affirm, as far as he knew anything about it—and he had seen cats used both in the Army and in the prisons—that the cat which was nearest to that used everywhere was the cat which was called the "Marine cat," except that it had no knots on it. That he believed to be the proper cat to be used for all purposes, whether in the Army, Navy, or prisons; and if one cat of that pattern could be adopted for the whole he believed it would be far better, and no one would have a right to complain.

THE CHANCELLOR OF THE EXCHEQUER wished to say a very few words on the position in which the Committee then stood in regard to this question of corporal punishment. It had been very frankly admitted, by hon. Gentlemen in all parts of the House, that there was no question of humanity on one side of the House or the other. As far as any feeling of humanity was concerned, they were all extremely sorry to have the necessity forced upon them to consider

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punishments of this sort. On the other hand, the Government were, in this matter, in a most responsible position. They were bound to consider, not only what might be ordinarily the first feeling suggested on considerations of humanity, but they had to consider, also, the maintenance of discipline and the maintenance of proper order under circumstances of very great difficulty and temptation. Therefore, going for a moment beyond the limits of the prison Amendment, and referring to the question of punishments in the field, there could be no doubt that there was a most just susceptibility on the part of the public, and on the part of hon. Members in the House and elsewhere, as to the maintenance of proper order and good conduct amongst our troops in the field and for the prevention of outrages. It was always a matter of great difficulty how they were best to restrain these outrages; and they had to consider if corporal punishment was absolutely and essentially necessary for that purpose. Similarly, in the case of prisons, they had to consider the question of how discipline was to be maintained; and if they had to subordinate the first emotions of humanity to other considerations in the course of these discussions, the Government had been obliged to maintain and assert a stricter and severer view than that suggested by those who were merely actuated by the first emotions of humanity. His right hon. Friend the Secretary of State for the Home Department, however, had now declared that they were prepared to consider this question as a whole; and his right hon. and gallant Friend the Secretary of State for War had stated that he would be prepared, at a subsequent stage of the Bill, to make a statement to the Committee as to the views of the Government on this matter. Under those circumstances, the hope had been expressed that they might be spared an irregular discussion upon the whole question of corporal punishment, and that they might now consider this question of prison discipline alone. Then, with regard to this question of prison discipline, they were all agreed that military prisoners must be treated in the same way as civilians, and that they could not have two systems of discipline in the same prison. If soldiers were confined with civil prisoners, it was evident they

must have the same code of regulations with regard to one class as the other. His right hon. Friend the Secretary of State for the Home Department had, in fact, stated that he was perfectly prepared to accept an Amendment carrying that out—an Amendment very nearly similar to that of the hon. Member for Birmingham (Mr. Chamberlain), proposed with that object. Then, again, with regard to the question of what those regulations were to be. His right hon. Friend had informed the Committee that that was a question which was engaging his serious attention, and that he had appointed a Commission which was to advise him on the whole subject. He thought that if the Committee looked at the whole matter fairly they must see nothing more than that could be reasonably expected from the Government at the present time, and they might be very well content to leave the matter in the hands of his right hon. Friend. He now earnestly hoped that they might proceed with this business, and not be required to go into a general discussion, over and over again, of corporal punishment. The Committee must surely see that it was far more important and more advantageous to proceed with the Bill, and then, in due time, after the statement of his right hon. and gallant Friend, to again discuss the question.

Mr. CALLAN thoroughly agreed that there should be but one system for both civil and military prisoners. He was, however, informed that in the military prisons of the present time the senior military officer in the district, who might be only a captain, could be sent for by any prison official, to go to the prison on complaint of misconduct of any military prisoner, and, at his own discretion, for any ordinary offence, could order the infliction of 25 lashes, without getting any other authority, and without a court martial.

COLONEL STANLEY replied, that he had been asked a question as to that very point a short time before, and he could not at present answer it. His right hon. Friend the Secretary of State for the Home Department had, however, stated at a very early stage of the Bill, that he was desirous to make the rules in all prisons the same.

COLONEL ALEXANDER explained, that the visitor of the prison must be a field officer. He was detailed for a week

as visitor, and he was always a field officer.

MR. CALLAN said, that his information was derived from an hon. Member of that House (the O'Donoghue), who was not then present. He was informed by that hon. Member that, while he was only a Militia officer, he was sent for to a military prison; a complaint was made to him, and he was asked, in the exercise of his discretion, to order the infliction of 25 lashes, which, to his credit, he declined to do. He was quite sure the hon. Member would not mind his name being given; and he might mention that it was the hon. Member for Tralee, who at the time was serving with the Kerry Militia.

MR. RYLANDS simply rose in consequence of the appeal of the right hon. Gentleman the Chancellor of the Exchequer, and the opinion which he had expressed that, under the circumstances, hon. Gentlemen on that side of the House should accept the assurance which had been given by the Government, and should be satisfied with it. Now, he (Mr. Rylands) was bound to say for himself that he could not feel quite satisfied with the statement emanating from the Front Bench. Two Members on his (the Chancellor of the Exchequer's) own side of the House, each of them men of position, had appealed in direct terms to the Government. The right hon. Baronet the Member for Tamworth (Sir Robert Peel) had said what he (Mr. Rylands) and his Friends on that side were quite disposed to believe—that, in watching the course which the Government had taken, it was quite evident that they were intending to yield to what appeared to be the general feeling of many hon. Gentlemen on both sides. He (Mr. Rylands) had no doubt that that feeling did exist, and that it was mute so far as hon. Members opposite were concerned; but, still, he knew there were hon. Members on that side who would not be indisposed to support the views which had been expressed by hon. Members sitting around him. Then the hon. and gallant Baronet, whom they all respected for the independence of his views (Sir Walter B. Barttelot), made another appeal to the Government to tell them its intentions. The hon. and gallant Baronet told them that he entirely disapproved of the tendency which the Government had shown in the

direction of more leniency; and he expressed his regret that these cats had been deposited in the House for the inspection of hon. Members. Undoubtedly, however, the opportunity which they had had of inspecting these cats had a most important bearing on this question, because that exhibition proved that Ministers on the Treasury Bench were entirely ignorant of the instruments of torture used in different branches of the Public Service. If that was so, what were they driven to believe? They must believe that what they had felt all through these debates—that the Treasury Bench were under an influence outside the House, not to yield to the pressure put upon them by hon. Members around him (Mr. Rylands). The Government resisted that pressure, and talked about obstruction and waste of public time. For his part, he thought the greatest obstructionists in this matter had been the Government themselves. He could point to hours spent in that House in impressing upon the Government concessions, which, after debates for hour after hour, they had at length conceded. All those debates occupied a large amount of public time. Why were they not conceded before? Because the Government were not convinced that he and his Friends were right in their views? For his part, he believed the Government were convinced at the commencement of these debates, and that the right hon. and gallant Gentleman the Secretary of State for War and the Secretary of State for the Home Department would have given way to the views expressed in the House, but for the influence exercised on the Government outside the House. ["No, no!"] He was stating what could not be denied. There was an influence in the Army which regulated all these, and overrode the judgment of the Government. He believed a large amount of public time would have been saved if the Government would have exercised their own authority, an authority which was supreme. When they were convinced, they should have at once expressed their convictions, and not have held back, because they were anxious to meet views outside the House, and to justify themselves in the eyes of persons of great authority in the administration of the Army. If the Chancellor of the Exchequer wished this Bill to pass, let

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the Government exercise their own authority. Let them yield to the conviction forced upon them, and say at once they would carry it through in the form that had been suggested, and would not have their hands bound down by influences outside the House, which did not appear in the discussions in which they were engaged.

THE CHAIRMAN said, he must again point out to the Committee that the Question before it was the Amendment of the hon. Member for Meath (Mr. Parnell).

MR. W. E. FORSTER wished to keep himself as much as possible to the Question before the Committee; but he could not help supporting the appeal of the hon. Member for Burnley (Mr. Rylands). He hoped he should not be out of Order in saying his hon. Friends below the Gangway were very much to be congratulated on the success of their endeavours. At the same time, it would be hardly fair to press the Government much more. It was almost impossible that the right hon. and gallant Gentleman the Secretary of State for War could say much more than he had done. If his hon. Friend (Mr. Rylands) was right in supposing that persons outside the House had to be consulted, who were, as he supposed, persons very high in the administration of the Army, they could, indeed, hardly think the Government would consider themselves justified in taking a very prominent step of this kind, without, at any rate, having informed those persons of what they were going to do. He did not think they could expect the Government to go further than they had gone that day. But he did trust that the Government would feel that the progress of Public Business would be very much facilitated, if they would take the very earliest opportunity, after that day, of stating what was their final conclusion. In regard to the question before the Committee, his hon. Friend ought to succeed without any difficulty, for the right hon. Gentleman the Secretary of State for the Home Department needed only to have the matter brought to his attention to give way; and it was now generally understood that there was to be no difference in the punishment of a soldier because he was a soldier. He understood the right hon. Gentleman most distinctly to say that, and they should rely upon his carrying

it out, so far as the clauses of the Bill required, and in administration afterwards.

MR. BIGGAR said, although the hon. and gallant Baronet opposite (Sir Walter B. Barttelot) declared that the cats on view outside were not those in use in prisons, he (Mr. Biggar) thought he was justified in thinking that they were, for the right hon. Gentleman the Secretary of State for the Home Department evidently thought so himself, and explained how that particular cat came to be recognized as the cat of the English prisons. The hon. and gallant Baronet did indeed say that that cat was not in use in his prison. That was a very grave imputation upon the way in which the right hon. Gentleman discharged his duties; for it meant that the general instructions he gave were not carried out as they ought to be. It was very important that they should have all the instructions with regard to this question set out in the most definite manner, and that it should not be left in the least to chance, because the system of flogging men by chance seemed liable to some abuse. Then, again, the hon. and gallant Baronet said the only case where he had ordered flogging was in the case of a Frenchman, who had conspired to murder the prison warders. He thought that that grave offence should not have been settled in a summary manner, but that the man should have been brought formally before the magistrates, and not to the Assizes, when he would probably have got penal servitude for life. He hoped the Government would give them a more explicit statement on this matter. He had listened very carefully, and he did not think the right hon. Gentleman the Chancellor of the Exchequer was very explicit as to what the Government meant to do. It was still a toss-up chance whether they would fight it out, or surrender at discretion. He did not think he had ever heard, in all his experience, a number of speeches more ambiguous than those which had been delivered from the Government Bench on this particular question. Right hon. Gentlemen got up and talked; but when they sat down they always left him, at any rate, in very great doubt as to what they meant to do. With regard to the treatment of prisoners, he contended that soldiers ought to be treated very

much better than ordinary criminals, because a soldier was, at any rate, assumed to be a man of decent character. He should not be expected to consort with men who had been sentenced for crime, and who probably were confirmed thieves. But the Secretary of State for the Home Department had taken credit to himself for saying that he would not treat them worse than any others. He did not think the right hon. Gentleman deserved any credit for that statement; and he did think that the Amendment should be argued, and that the Government should accept the Motion of his hon. Friend.

SIR ROBERT PEEL said, no doubt the appeal of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) would have an effect, when he urged the Committee to accept the assurances of the Treasury Bench, and to allow this matter to be postponed; and when he added, moreover, that it was almost impossible for the right hon. and gallant Gentleman the Secretary of State for War to give information on this point. He (Sir Robert Peel) would point out, however, to the right hon. Gentleman, that last Thursday fortnight they were promised the Schedule of the offences for which flogging was to be inflicted, and yet that was not at present before the Committee. Therefore, when the right hon. Gentleman said that the Committee should accept a suggestion that this question should be postponed, he did not think they could allow that, in fairness, after the discussion that had taken place. What had they not done by their perseverance? The Secretary of State for the Home Department had only required to have one matter brought before him, in order that he might yield to the wishes of the Committee. If they might congratulate themselves on the success that they had so far obtained, surely, by a little more pressure, they might now gain, without further delay, the opinion which the Government had promised to give. The Chancellor of the Exchequer had said that the right hon. and gallant Gentleman the Secretary of State for War would be prepared on a subsequent date to make a statement on this subject. What they demanded was that that statement should be made now. It surely could not be difficult to make a statement of that nature; and he, for

his part, did not believe that satisfactory progress would be made with this Bill, unless the assurance was given to hon. Gentlemen on that side of the House, as well as on the other, as to what the intentions of the Government were on the subject now before the Committee.

Mr. O'DONNELL thought that all they had heard from the other side of the House ought to impress on the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) the fact that good Conservatives were expected to vote straight and ask no questions. He was afraid from what he could see that the assurance of the right hon. Gentleman the Chancellor of the Exchequer would not be very satisfactory; and, certainly, the assurances on this especial point given by the Secretary of State for the Home Department, were by no means what he (Mr. O'Donnell) wished. In these cases of flogging in prisons, they had first to consider who were the prisoners to be flogged; and, next, what were the crimes for which they were to be flogged; and, thirdly, what was the instrument of torture with which flogging was to be inflicted. On all those points they ought to receive careful information. He could not but think, when the Secretary of State for the Home Department said he would draw no distinction between the soldiers who might be incarcerated for purely military offences, and ordinary ruffians, he distinctly went away from the position which the Committee believed he was prepared to occupy some time ago, and that when he now said that he would draw no distinction he receded from the position which his hon. Friend the Member for Meath (Mr. Parnell), at any rate, believed the right hon. Gentleman had taken up some days ago. Then, again, they knew nothing about the crimes for which flogging was to be administered. At least, all that they did know was very unsatisfactory. A prisoner in the gaol could be flogged for using insulting language to a warder. They were told that warders must give their evidence on oath. That was by no means satisfactory, for in every trial which took place, in which prisoners were committed, there was evidence on oath, given against them; yet, in spite of that evidence, the jury did not believe them. Then, as to the instrument with which torture was to be inflicted, he did

Mr. Biggar

not think anything could excuse the infliction of such flogging, supposing it was to be continued by such a thoroughly abominable weapon as that which was on the premises of the House at that moment. It was an instrument that might be put in competition with the Russian knout, or with any other instruments of torture known in the civilized, or the uncivilized world. He could not help being struck by some remarks of hon. Members who were examining these instruments of punishment. One hon. Member took up this prison cat, and said—"Well, this is a fearful weapon; but it is not too severe to lay on the back of such a ruffian as a garotter." He (Mr. O'Donnell), himself, might not have been indisposed to agree to a certain extent in that sentiment; but the Committee must remember that not merely were garotters liable to punishment by this cat, but every person who used insulting language to a warder was liable to be flogged with it. Thus, soldiers imprisoned merely for insubordination might get the same punishment. Again, they knew nothing of the offences which were to be punished with flogging, and many of them might be altogether undeserving of that fearful punishment. Thirdly, they had no satisfactory assurance with regard to the weapon to be used. The hon. and gallant Baronet the Member for West Sussex had made a statement as to the cat he used in his prison, which merely had the effect of conveying a very serious imputation against the uniformity of prison discipline under the Secretary of State for the Home Department. While, therefore, they had good reason to be satisfied with the main assurances of the right hon. and gallant Gentleman the Secretary of State for War, he thought those given by the Secretary of State for the Home Department, on the special point under discussion, could not give any satisfaction to hon. Members on that side of the House, who had been protesting so long against this system. He was afraid, however, they would get no satisfaction; because influential Members on the Government side who had asked distinct questions on the subject had been thrown over by the Government.

SIR GRAHAM MONTGOMERY said, that if hon. Members on the Conservative side of the House were to indulge

in as much talk regarding that Bill as some hon. Members on the other side, not only would the Bill never get through, but no other Bill would pass the House. The great difference between the two sides of the House was, that while hon. Members on the Liberal side below the Gangway were in favour of abolishing flogging altogether in the Army, they on the Conservative side were in favour of flogging being continued, but surrounded with safeguards, and with an instrument which should not be an inhuman one. They believed the Government would give all that, if they were allowed; but they did not think the way to get these safeguards was by obstruction. He trusted the Committee would now be allowed to proceed with the Bill.

MR. PARNELL said, he would endeavour to explain the real effect of his Amendment, as some misapprehension seemed to exist concerning it. It had been misunderstood both by the hon. Gentleman who spoke last (Sir Graham Montgomery), and those who had preceded him. It had not for its object to abolish flogging in the Army generally; but flogging of military prisoners convicted of offences against this Act, which were not of an immoral or disgraceful character—in fact, for breaches of prison discipline while in prison. That was the nature of his Amendment, which he desired to explain to the Secretary of State for the Home Department if he had been in his place, which he was not. He certainly thought that the right hon. Gentleman ought to be in his place at that time, and he did not see how they could come to a satisfactory conclusion in his absence, for he was more concerned in the matter than the Secretary of State for War. It had been stated by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) that the Secretary of State for the Home Department was willing to give them all they wished. But he was willing to do nothing of the kind. The right hon. Gentleman had distinctly withdrawn from the position that he assumed on a previous occasion with respect to the Amendment of the hon. and gallant Baronet the Member for Sunderland (Sir Henry Havelock). The right hon. Gentleman promised then that sentence of imprisonment upon soldiers inflicted by

courts martial should be carried out in military prisons only, or if in civil gaols, then entirely separate from civil prisoners; and that only soldiers who had been sentenced by court martial to be dismissed with ignominy at the expiration of their term of imprisonment should be imprisoned in civil gaols with ordinary prisoners. Thus, a very broad distinction was drawn between military offenders and ordinary offenders. What he was now asking the right hon. Gentleman the Secretary of State for the Home Department to do was to widen his decision with regard to military prisoners. All that the right hon. Gentleman had promised them on the present occasion was, that military offenders should not be treated worse than ordinary criminals. That was a distinct withdrawal from his previous position, and was totally a retrograde step? He (Mr. Parnell) felt very great dissatisfaction at the alteration in the position of the right hon. Gentleman, and he was sorry that flogging for prison offences should not be abolished in the case of military prisoners, who had been convicted of offences not of an immoral, disgraceful, or fraudulent character. The right hon. Gentleman had previously stated that he would agree to a more lenient treatment; but now he said that the only thing he could do was to give this class of prisoners the same treatment as other criminals. This made it necessary for them to urge their views upon the right hon. Gentleman in order to prevent a misunderstanding. The hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) had stated that he had never known, in the course of his experience as a Visiting Justice, more than one flogging taking place in prison. But let them take the case of a man who had conspired to murder a warder. For that offence the punishment of flogging, sanctioned by the rules, did not seem to be exactly the right kind of punishment. The right hon. Gentleman the Secretary of State for the Home Department had promised to give them military prisons for soldiers; and there would, therefore, be no difficulty in carrying out the proposal which was embodied in his (Mr. Parnell's) Amendment. It had been mentioned by the hon. and gallant Baronet that the Visiting Justices had to inquire into the breach of prison dis-

cipline before flogging could be inflicted. But that provision was introduced at his (Mr. Parnell's) instance in the Prisons Act of 1877, and was a concession granted by the right hon. Gentleman. The argument of the hon. and gallant Baronet seemed to be that they could not have two sets of prisoners in a gaol with different disciplines. But it was the promise of the right hon. Gentleman the Secretary of State for the Home Department that these two classes of prisoners should be kept entirely distinct, and, where possible, confined in different gaols. They should remember that some of these prisoners would be confined in prisons not under the right hon. Gentleman, but under the Governor General of India. There was no reason in saying—"We will wait until the Penal Servitude Commissioners have made their Report before we consider the necessity for the abolition of flogging." Those Commissioners were only inquiring into the discipline in penal-servitude prisons, and not in ordinary prisons, to which this provision applied. The hon. and gallant Baronet the Member for West Sussex and the right hon. Baronet the Member for Tamworth (Sir Robert Peel) had both assumed that flogging was to be abolished in the Army. The right hon. Gentleman the Member for Bradford had assumed the same thing. They all assumed it, and he (Mr. Parnell) was very much disposed to assume that, because flogging was to be abolished in the Army, it would also be abolished in prisons. [Mr. ASSHETON CROSS: No, no!] As the right hon. Gentleman did not agree with that conclusion, it entirely altered the case, and he should be obliged to press his Amendment.

MR. RITCHIE observed, that the statement had been made that hon. Members on that side of the House were in favour of flogging, and that on the other side of the House they were in favour of its abolition. For his part, he must distinctly disclaim the accuracy of that statement. Not only was he opposed to flogging, but he had always held very strong opinions against that punishment. He did not think that the remark was justifiable, in a general sense, for, so far as his observation went, hon. Members on the Opposition side of the House had expressed themselves as strongly in favour of flogging as hon. Members on the Government side. It

Mr. Parnell

was altogether a mistake to assume that this matter was one for one side of the House or the other, or was at all a matter of Party. Members of either Party were upon both sides of the question. For his part, he had never voted for flogging, either in the Army or in the Navy, knowingly. He had considered the matter carefully, and had come to a conclusion against it; but as he felt that it was a matter in which the opinion of the military authorities ought to have great weight, he did not like to take upon himself the responsibility of voting against them; but, at the same time, he could not bring himself to vote for the punishment. In his opinion, the statement of the right hon. Gentleman the Chancellor of the Exchequer, with reference to flogging in the Army and Navy, ought to have been at once accepted by all hon. Members in the Committee, whether they were in favour of flogging, or whether they were opposed to it. The right hon. Gentleman had stated that the matter would receive the careful consideration of the Government; and he himself earnestly begged the Government, if they did not feel perfectly convinced that this punishment was one for which there was a strong necessity, that they would take upon themselves the responsibility of abolishing it. He thought it would be unfair to press the Government at that time, after what they had said. The Bill was not likely to leave the House just yet, and there would be many other opportunities for hon. Gentlemen on either side to again urge this question upon the Government, if the explanations that they had promised to make were unsatisfactory. What he had said had entire reference to flogging in the Army and Navy, for with respect to flogging in prisons he held a totally different opinion. He did think that the crimes for which that punishment was now given in prisons were crimes which were deserving of a punishment of that nature. And, therefore, while he would strongly urge upon the Government the desirability, if they could by any possibility see their way to do so, to give their favourable consideration to the abolition of the punishment in the Army and Navy, he would not urge upon the Government to do more than the Secretary of State for the Home Department had promised with reference to

flogging in prisons—namely, that there should be no difference in the punishment of prisoners whether soldiers or civilians. He (Mr. Ritchie) did not think that the Government would be justified in promising more than that. He earnestly hoped that the Government, when they came to make a statement upon the matter, would be able to tell the Committee that, after careful consideration of the question, they were prepared to recommend the abolition of the lash. He thought that hon. Members, who had so persistently brought this question to the attention of the Government, ought now to rest satisfied with what had been said, and allow the Bill to proceed.

MR. CHAMBERLAIN thought that the hon. Member for Meath (Mr. Parnell) was under some misapprehension; and as one who had supported him throughout in his opposition to flogging he must appeal to him to withdraw his Amendment. He did not think it was fair to ask the Secretary of State for the Home Department, at the present time, to abolish flogging in prisons. He had told them that the matter was under his consideration; and they did not know whether, on another occasion, he would recommend its abolition. Personally, the right hon. Gentleman had expressed himself opposed to punishment of that character, unless absolutely necessary. They had his assurance that nothing would give him greater pleasure than to be able to abolish it. They had, further, the assurances they had obtained from admissions on the part of the Government that there was an intention to abolish flogging in the Army. The whole practice of flogging had received a mortal blow. And when flogging in the Army had been abolished, he did not believe that flogging in prisons could be maintained for long. He thought that his hon. Friend rather damaged the cause which they all had at heart by pressing his Amendment.

SIR ALEXANDER GORDON hoped that the right hon. Gentleman the Secretary of State for the Home Department would not give way upon this point. As he (Sir Alexander Gordon) understood the matter, there would be two different systems of punishment in the same prison. Soldiers were not to be submitted to corporal punishment for offences to which other prisoners would

be subject. The effect of the Amendment of the hon. Member for Meath (Mr. Parnell) would be that soldiers would be able to commit offences in the sight of other prisoners in gaol, and yet be exempt from the punishment to which the others were subjected. In his opinion, if the punishment was necessary for one set of prisoners, it was necessary for the other. He hoped that the hon. Member for Meath (Mr. Parnell) would accept the advice of the hon. Member for Birmingham (Mr. Chamberlain), and not press his Motion.

MR. HOPWOOD joined in the appeal to the hon. Member for Meath (Mr. Parnell) not to press his Amendment. He would have many opportunities of again bringing the question forward, if the expectations which had been held out to the Committee were not realized. He could say that he had sometimes helped the hon. Member, when others had fallen away from him; and, therefore, he was sure that he would consider the advice that he tendered him on this occasion. He trusted that the hon. Member would withdraw his Amendment.

MR. C. BECKETT-DENISON said, that the words of the hon. Member for Birmingham (Mr. Chamberlain), if they remained uncontradicted, would, in his (Mr. Denison's) opinion, give rise to future trouble and misunderstanding. He had stated, with respect to what had fallen from the right hon. and gallant Gentleman the Secretary of State for War, that he had understood that the Government were about to abolish corporal punishment in the Army. ["Hear, hear!"] That cheer assured him that he was not mistaken in the interpretation which he had placed upon the words of the hon. Member. He had listened to every word said by the right hon. and gallant Gentleman, and he thought that the interpretation of the hon. Member was incorrect. The point was this—the right hon. and gallant Gentleman the Secretary of State for War had once or twice, during the discussion, said that he should be prepared to make a statement to the House upon this subject. He (Mr. C. Beckett-Denison) personally understood, and he believed that every other hon. Gentleman upon the Government side of the House also understood, that there were certain exceptional offences, in connection with Armies in the field, which would be

placed in the Schedule, for which corporal punishment would still be enforced. It was essential to both sides of the House that they should be put in full possession of the facts—one side believing that corporal punishment was about to be abolished from the combatant forces; and the other side of the House being asked to come down and support the Government in maintaining the discipline of the Army. If the Government were about to abolish corporal punishment, let there be no misunderstanding on the subject; but let there be such a statement as both sides of the House could appreciate. He had risen to make these observations in consequence of the remarks which had fallen from the hon. Member for Birmingham. They were, at that moment, engaged in the discussion of prison discipline, and so much had been said with regard to the general subject, and it had been so differently treated in the various phases of the discussion, that he thought they would, on the next occasion, be in considerable difficulty, and have, perhaps, a great amount of wrangling as to what had been actually said then. He protested against the interpretation. He might be wrong, for he was not in the confidence of the right hon. and gallant Gentleman the Secretary of State for War; but if it was the intention of the Government to abolish corporal punishment for all offences, whether in the field or at home, then he thought that hon. Members on that side of the House, who had simply discharged the duty—to them a disagreeable one—of upholding the Government, by voting for what they had considered, up to that moment, to be necessary for the maintenance of discipline, were placed in a disadvantageous position, in which they ought not to be placed.

MAJOR NOLAN wished to contrast the speech of the hon. Member for the West Riding (Mr. Beckett-Denison) with that of the hon. Member for the Tower Hamlets (Mr. Ritchie). He did not think that the statement of the hon. Member for the Tower Hamlets was quite accurate. He had taken the trouble to look at the Division Lists upon the question of the abolition of corporal punishment, and he had not recognized more than one or two Members from the Conservative side of the House who voted for the abolition of the punish-

Sir Alexander Gordon

ment. He recognized some Liberal Members who voted for its retention, and a very few Irish Members, he was glad to say. He thought there was a stronger feeling for the abolition of the punishment on that side of the House than on the Government side. He wished to call attention to the speech of the hon. Member for the West Riding, who had rather urged upon the Government the retention of this punishment. It was true he did not really urge the Government to retain the punishment; but he cast up the reflection at them that they were behaving ill to their supporters. It seemed to him (Major Nolan) that nearly all hon. Members on the Opposition side of the House were in favour of the abolition of corporal punishment, while many hon. Members on the other side urged the Government to retain it. He thought that the Government were anxious to throw it over, as they had come to the conclusion that it would do more harm than good; but were restrained from doing so. Now that the attention of the country had been drawn to this subject of corporal punishment it would not leave it; and those debates would be perused by the classes from which the Army was drawn, and would have a great effect upon recruiting in time of war—the retention of this punishment, and the debates which had taken place upon it, would have a very deleterious effect upon recruiting. The Government must wish to have a strong Army; but they could never hope to have one, if they retained this punishment. And what was the use of retaining merely a fragment of this punishment? He would point out to the Government that so long as they retained even a fragment of the punishment, the agitators would have something to lay hold of; and so long as the agitators brought this question forward, so long would an evil effect upon recruiting be produced.

COLONEL STANLEY said, that the speeches which had recently been made turned upon expressions which he had used in the course of that evening; and, perhaps, he might, therefore, be allowed to endeavour to put the Committee in possession of what he had actually said. With respect to the question of corporal punishment in prisons, that matter had been dealt with by his right hon. Friend the Secretary of State for the Home

Department; but, in connection with the matter, a discussion had arisen upon the whole question of corporal punishment, and the hon. Member for Birmingham (Mr. Chamberlain) had made an appeal to him (Colonel Stanley) to state his views upon the point. He had endeavoured to do that, so far as he could, without interfering with the Business of the House. He had felt it his duty to explain, as clearly as possible, the position in which he conceived himself to be placed. The decision of the Committee with regard to corporal punishment in respect to the Army and Navy had been given; but he had been asked to go back from that decision. When he stated that he would prepare a Schedule containing all the crimes for which the punishment was to be inflicted, and under what circumstances it should be inflicted, he was not aware that the matter would be one of such exceeding difficulty as he had afterwards found it. He had exposed himself to censure for not having already laid this Schedule upon the Table of the House. He would venture to claim for the Government side of the House the same amount of humanity as was possessed by the Opposition; and he therefore deprecated any such observation as that of the hon. and gallant Member for Galway, that particular persons were in favour of corporal punishment and others were for its abolition. Whatever view they took in that House, it should be understood that what they did was in performance of a duty; and if hon. Members on his side of the House supported corporal punishment, they did so because they believed it was necessary in order to maintain discipline. What he said when he spoke before was, that not having received all the information which he hoped to do, he did not feel himself then in a position to state more definitely what he would do on this matter; but that when they came to the Schedules, and that portion of the Bill which defined the circumstances under which the punishment should be inflicted in the field and on board ship, he trusted that he would be able to make a statement to the Committee. He would ask the Committee, therefore, to bear in mind that the primary consideration in a measure of this kind was the responsibility under which he felt himself for maintaining discipline. He hoped that

the Committee would see that while, on the one hand, they were pressed for not sufficiently maintaining discipline in the Army; on the other hand, it would be unfair to officers in the field, who were responsible for the good order of the troops, if sufficient means were not given them to repress crime. That was the substance of what he had said before, and he was most anxious not to take from, or add anything to, that statement. He could not be answerable for the constructions that hon. Members had placed upon it; but he had endeavoured, as accurately as he could, to repeat what he said at an earlier period of the debate. He hoped that the Bill would now be allowed to proceed.

MR. CHAMBERLAIN thought that the right hon. and gallant Gentleman had omitted a few words to which he (Mr. Chamberlain), in common with other hon. Members, had attached the greatest importance. As he understood the right hon. and gallant Gentleman, he said that upon the Schedule he would be able to make a statement, and so he continued—"which will be satisfactory to hon. Gentlemen opposite," or something to that effect. He (Mr. Chamberlain) did not pledge himself to the exact words; but he would pledge himself to this—that he had distinctly heard the right hon. and gallant Gentleman say that the statement he would make would be satisfactory. When such a statement was made in the face of the determined opposition to this measure—almost the whole of which had been directed against the practice of flogging—it was not to be wondered at that he himself, as well as the right hon. Baronet the Member for Tamworth (Sir Robert Peel) and the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot), and other hon. Members, should have understood that he was desirous of seeing whether he could not carry out the views of the opponents of the measure. It was understood, however, that there were difficulties in the way, and that there were parties to be consulted. They were prepared to make allowance in respect of these matters, and not to press the right hon. and gallant Gentleman on that occasion; but it seemed now that the matter had assumed a totally different complexion, for the right hon. and gallant Gentleman had withdrawn what he had stated.

Colonel Stanley

COLONEL STANLEY said, that he had unquestionably used the words attributed to him. He did say that he hoped to make a statement which would be satisfactory to the Committee.

MR. CHAMBERLAIN thought that the Committee were entitled to a little more explanation upon this matter, and that no doubt should be suffered to remain. He did not think the statement could be satisfactory, when one side of the House understood one thing, and the other side of the House understood another thing. He could assure the right hon. and gallant Gentleman that, as far as he (Mr. Chamberlain) could judge, there was a strong feeling to withdraw any opposition to the Bill, if the right hon. and gallant Gentleman hoped to make a statement which would be perfectly satisfactory to the Committee; but if that was not the expectation of the right hon. and gallant Gentleman, and if he did not intend to convey to the Committee that the Government were prepared to make any concessions beyond those which they had made on previous occasions, then he (Mr. Chamberlain) thought the continued opposition to the Bill perfectly justifiable. Let him point out to the right hon. and gallant Gentleman that the right hon. Member for Bradford (Mr. W. E. Forster) very distinctly appealed to him in the same sense; and he could not conceive that he could have so far misunderstood him as would appear to be the case, having regard to the views expressed by the hon. Member for the West Riding (Mr. C. Beckett-Denison). He might point out that the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) had also fallen into the same error as he (Mr. Chamberlain) had as to the construction of the words of the right hon. and gallant Gentleman the Secretary of State for War.

COLONEL STANLEY said, that he had withdrawn nothing, and that he entirely adhered to what he had previously said—he adhered to what he had said at an earlier period of the debate; but it was absolutely impossible for him to give any more definite assurance then.

MR. CHAMBERLAIN remarked that he had again and again said he accepted the right hon. and gallant Gentleman's statement, as indicating on the part of the Government a willingness, if not an intention, to abolish flogging in the

Army. He was still under that impression, and, therefore, he should abstain from further opposition at this stage of the Bill.

MR. ASSHETON said, the statement just made by the right hon. and gallant Gentleman was precisely the same as that which he made at the beginning of the discussion.

MR. MONK thought that the last statement of the right hon. and gallant Gentleman the Secretary of State for War was perfectly satisfactory. It was clearly the intention of Her Majesty's Government to make further investigations with regard to this question of flogging; but this concession could not be made until the other authorities connected with the Army had been consulted. Really, under the circumstances, he thought that this Amendment should be withdrawn, and the Bill allowed to go on.

MR. HOPWOOD considered that it would be better if the Government announced that, on some future, but early day, they would make a statement on the question of flogging. They could see that the Government was placed in great trouble and difficulty; but it was not their fault. If the hon. Member for the West Riding (Mr. C. Beckett-Denison) had only waited a day or two, and not insisted upon an explicit declaration, the Government would not have been placed in a difficulty. He thought the best course would be for the Government now to postpone the clause, and not to bring it forward until they made their statement.

THE MARQUESS OF HARTINGTON said, he rose for the purpose of making a suggestion of very much the same character as that of the hon. and learned Member for Stockport (Mr. Hopwood). The Government had made a statement that evening of considerable importance. He believed that it had been said that a statement would be made when the Schedules were moved. As so much appeared to turn upon the character of this statement, he should now ask the right hon. and gallant Gentleman, whether it would not be possible for him to take an earlier opportunity than the Schedules would afford of making the statement? Perhaps on a Motion to report Progress such a statement might, without any irregularity, be made. It would be, however, much more con-

vincing to the Committee if the statement could be made at as early a period as possible. The Government were evidently not prepared to make that statement now; but, perhaps, it would not be too much to ask that the statement should be made on Monday next, or on some other early day. He should be inclined to think that the earlier that statement was made the sooner they would be allowed to proceed with the discussion of the clause.

THE CHANCELLOR OF THE EXCHEQUER said, the Government would be anxious to make a statement on the earliest day on which they might possibly do so; but, at the present time, it was impossible to say more than that the subject should be brought before the House without any unnecessary delay.

MR. PARNELL did not see how they could proceed to the discussion of the clause until they had heard the statement of the Government with regard to flogging. He would point out that the provost-marshal clause had been made a postponed clause, and that was one of the clauses connected with the question of flogging.

SIR ALEXANDER GORDON rose to a point of Order. He did not think the hon. Member for Meath (Mr. Parnell) was in Order in discussing a clause not before the Committee.

THE CHAIRMAN thought that the hon. Member for Meath (Mr. Parnell) was not discussing, but only referring to, another clause.

MR. PARNELL thought they could not discuss this clause until they knew the decision of Her Majesty's Government on the question of flogging. Perhaps it would be best to accept the statement of the right hon. Gentleman the Chancellor of the Exchequer, that they would inform the House at as early a day as possible of their decision, and would give an opportunity for discussion. He begged leave to withdraw his Amendment.

Amendment (*Mr. Parnell*), by leave, withdrawn.

Amendment (*Mr. Secretary Cross*), agreed to.

MR. ASSHETON CROSS said, he would then move an Amendment, of which Notice had been given by the hon. Member for Birmingham (Mr.

Chamberlain). It was to insert on page 70, line 17, after the word "severe," the following words :—

"Nor establish other occasions for corporal punishment; that was, that no other punishment should be inflicted than those enumerated in the rules approved by the Secretary of State under 'The Prisons Act, 1877.'"

MR. PARNELL did not think that this Amendment went far enough. The further consideration of the question of flogging was postponed until they had heard the views of the Government; but this Amendment empowered the prison authorities to inflict corporal punishment upon military offenders in all cases in which civilians were liable to the punishment. Under the rules, the right hon. Gentleman the Secretary of State for the Home Department allowed corporal punishment to be inflicted for offences for which it ought not to be permitted at all. For breaking windows, or otherwise destroying prison property, or making a disturbance, or doing any other act, or misconduct, or insubordination, a prisoner could, under the rules, be sentenced to receive corporal punishment. It should be remembered that prisoners frequently lost their reason from solitary confinement, and it was very likely they would make these disturbances, and yet for such offences corporal punishment was to be inflicted. There was another difficulty in connection with this matter. Some of the prisoners who would be confined under the Bill would be in prisons under the direction of the Governor General of India. In this country, no flogging could be inflicted in prisons but by the order of the Visiting Justices; but in India they had no magistrates and no independent tribunal, and, therefore, it remained with the gaoler to inflict the punishment whenever he pleased. All these circumstances were exceedingly unsatisfactory. He did not think that this matter should be settled, until they had heard the views of the Government upon the question of flogging. Moreover, if this Amendment were accepted, he did not think that it would be in his power to move an Amendment which he proposed to do, limiting the power in regard to corporal punishment.

THE CHAIRMAN said, that the Amendment of the Secretary of State for the Home Department limited the cases to which corporal punishment

should be inflicted under the Act to such offences as those for which the punishment could be inflicted under the Prisons Act of 1877. It was not absolutely impossible, after such an Amendment had become part of the Bill, to introduce another Amendment proposing that it should only be inflicted under certain circumstances; but the hon. Member for Meath (Mr. Parnell) would be out of Order in moving that it should be inflicted in a less degree.

MR. PARNELL thought, perhaps, it would be better to omit the Proviso. His object was to be enabled to move an Amendment limiting the amount of punishment which it was at present lawful for the Secretary of State for the Home Department, under the present rules, to inflict; and to limit it to offences for which at present it could be lawfully inflicted.

THE CHAIRMAN said, that the hon. Member would be quite out of Order in moving that Amendment. Any matter concerning the Prisons Act did not come within the scope of this Bill.

MR. CHAMBERLAIN said, that if the Amendment of the right hon. Gentleman the Secretary of State for the Home Department were agreed to, it would be impossible to inflict flogging for any offence which did not come within the rules in the Prisons Act. He did not think that it would be possible to reduce the punishment in military prisons to less than what was given to civil offenders.

THE CHAIRMAN said, that he only wished to point out that it was not competent for any Amendment upon this clause to deal with punishment of civil prisons.

MR. PARNELL wished merely to reserve to the Secretary of State for the Home Department the same power which he at present possessed under the Prisons Act of 1877, to inflict punishment upon military prisoners. It was really important that they should have power hereafter, by means of a new clause, to be in a position to limit the power of inflicting punishment upon military prisoners.

THE CHAIRMAN said, that the hon. Member would be in Order in moving what he proposed as dealing with any persons affected by the Bill.

Amendment agreed to; words inserted accordingly.

Mr. Ascheton Cross

MR. PARNELL observed, that the question at issue was as to the pattern of the cat. The right hon. Gentleman the Secretary of State for the Home Department had declared that a pattern was adopted by Earl Grey, as Chairman of the Royal Commission, because the one previously in use was not sufficiently severe. ["Order, order!"]

THE CHAIRMAN pointed out that there was no Question before the Committee.

MR. PARNELL said, he would move the following Amendment in page 70, line 18, after the word "England," to insert these words—

"And that the instrument to be used in the infliction of corporal punishment shall be according to the sealed pattern of the cat of nine tails approved by the First Lord of the Admiralty, dated 7th December, 1877, from the Royal Marine Office, and endorsed W. J. Rodney, Deputy Adjutant General, but without knots."

MR. ASSHETON CROSS hoped the hon. Gentleman would not press his Amendment, as he (Mr. Cross) stated some time ago the whole subject was now engaging the attention of a Royal Commission. He was awaiting their Report, and he should be very much guided by their decision. He was speaking of the one with knots, not the one without knots; and he was bound to say that persons of very great experience had very different opinions as to the severity of the one or the other. The whole matter had very much better be left entirely to the Commission.

MR. PARNELL asked if the nature of the cat was before the Commission, because this was a question which had come up very recently?

MR. ASSHETON CROSS knew that the Commission had inquired into the whole question of flogging; but, of course, he was not in the secret of their deliberations. He knew, however, that they had taken evidence on the matter.

MR. PARNELL, under the circumstances, would not press his Amendment, although he did not regard the statement of the right hon. Gentleman as at all satisfactory. In fact, he did not regard any statement that had been made by the right hon. Gentleman that day as satisfactory, and they were in singular contrast to the attitude of the right hon. and gallant Gentleman the Secretary of State for War. He hoped the Report of this Commission would be out very soon, be-

fore the Bill left the House, and he would postpone further opposition until he saw it.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, his next Amendment had nothing whatever to do with flogging. He proposed in page 70, line 18, after the word "England," in the same place as before, to insert these words—

"Subject to the Prison Act of the fortieth and forty-first Victoria, chapter twenty-one, and that all the regulations in the Prison Act of 1865, and in the aforesaid Act, as to the duties of gaolers, medical officers, and coroners shall be contained in such rules."

THE CHAIRMAN observed, that the Amendment required the word "Provided" inserted after the words "twenty-one and."

MR. ASSHETON CROSS observed, that the clause as proposed to be amended could not possibly work; but he had no objection to the principle. If some such words as "so far as, in the opinion of the Secretary of State, may be applicable," were added, he would accept the Amendment. Otherwise, certain statutes would be applied to places where they were utterly inapplicable. In India, for instance, he did not know that there were coroners, and it would be necessary to consult with the India Office on the subject. That he would do before the Report was brought up.

MR. PARNELL thought it was the duty of the Government to provide some substitute for coroners' inquests in cases where prisoners died in gaol in India. The right hon. Gentleman had not given them the slightest intimation as to whether he considered it desirable or not, when a prisoner died in India, that an independent inquiry should be held into the cause of his death. When the Prisons Act was passing through Committee the right hon. Gentleman agreed that these coroners' inquests should be held in Scotland and Ireland, where they had not previously been in vogue. There were no such things as coroners in Scotland; but the right hon. and learned Lord Advocate met him (Mr. Parnell) in the fairest possible way, altering his Amendment for him, and inserting the words "procurator-fiscal" instead of the word "coroner." No provision in that Act had been more advantageous, or had proved itself to be more necessary, than

the power so given of holding inquests on persons who died in prison. Since the introduction of the clause, several prisoners had died in gaol, and they had had fearless and independent verdicts returned by the coroners' juries from which the greatest possible benefit had been derived. [Mr. ASSHETON CROSS: Hear hear!] The right hon. Gentleman had himself acknowledged that, and, in fact, he was so impressed with the verdicts given in the cases of a prisoner named Nolan and of the late Sergeant M'Carthy, a political prisoner, that he caused independent inquiries to be made into the causes of death. By this clause they were asked calmly to give up to the Governor General of India the power to make regulations in regard to this matter. He wanted to know what provision there was in India for these independent inquiries? He was surprised at the proposal of the right hon. Gentleman to insert the suggested words, the effect of which would, practically, be to destroy all the good contained in the Amendment.

MR. ASSHETON CROSS said, no one had a greater appreciation of coroners' juries than he had. They were most valuable and proper institutions, and he would be glad to see them established everywhere. But what he wanted to point out to the hon. Member for Meath (Mr. Parnell) was, that his Amendment, as it stood, would defeat the object he had in view; while, on the other hand, the alteration he had suggested would help him to realize it. As a matter of form, he would propose to add to the Amendment the words "so far as the same can be made applicable." If better words could be suggested for carrying out the same object, he would willingly accept them.

LORD EDMOND FITZMAURICE, as a Member of a Committee which had sat for a greater part of the Session on the consolidation of the laws relating to coroners, thought it would be quite desirable to extend to soldiers dying in prisons outside this country the same protection that persons dying in prison in this country already enjoyed. But he did not think that the right hon. Gentleman the Secretary of State for the Home Department had at all met this Amendment in a hostile spirit. On the contrary, the right hon. Gentleman suggested the addition of certain words

without which he (Lord Edmund Fitzmaurice) was bound to say, in his opinion, the clause would not work. Therefore, if he might be so bold as to offer a suggestion to the hon. Gentleman the Member for Meath (Mr. Parnell), he would advise him to accept the addition of the words suggested, or some others analogous to them.

MR. HERSCHELL thought, even then, the Amendment would not run quite correctly. He would suggest that it should run that these rules should contain provisions similar to those in force in other prisons in the United Kingdom as to medical officers, coroners, and so on, and that due provision should be made for similar inquiries elsewhere. It was impossible to go into the matter much more definitely than that. The way in which what they desired was to be carried out must be left to those who had the framing of the rules. The Secretary of State for the Home Department, he understood, was quite willing that the provisions in the United Kingdom should be extended elsewhere; but some little alteration of the words would be required.

MR. ASSHETON CROSS said, if the hon. Member for Meath (Mr. Parnell) would take the words he had proposed for the present, he would consult the draftsman to see if better words could be put in to secure the object. He could not do more than that.

MR. PARNELL remarked that it would be better to leave out the words "and coroners" altogether, and to adopt the suggestion of the hon. and learned Gentleman the Member for Durham (Mr. Herschell). The clause would then read—

"And that rules shall be adopted providing for independent inquiries into the deaths of any prisoners in these gaols in a similar way to those inquiries carried out by coroners."

MR. ASSHETON CROSS begged the Committee to remember that it was absolutely impossible to draft an alteration in a clause in this way. No lawyer, even, could do it. What he had said should satisfy the hon. Member for Meath (Mr. Parnell) that the matter should be carefully considered afterwards.

MR. BIGGAR was of opinion that it would be much more convenient to discuss the matter at that time. They had had so much experience of the ambiguity

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of Ministers on particular questions, and of their uncertainty afterwards as to what they did say, and as to what they did mean, that it would be much more safe to do the very converse of what the hon. Gentleman proposed, and to adopt the Amendment as it was proposed by the hon. Member for Meath. If the words were not found suitable, the Government could suggest an Amendment, and that would be by far the most satisfactory way. Otherwise, afterwards, the Secretary of State for the Home Department might say that he said something, and somebody else might say he said something else, and they might have a very long discussion as to what actually was said.

MR. CHAMBERLAIN observed, that the Amendment suggested by the Secretary of State for the Home Department was "where he thinks practicable." Did they understand from that that the right hon. Gentleman was in favour of this inquiry, and pledged himself that he would introduce words securing independent inquiry in India?

LORD EDMOND FITZMAURICE said, the right hon. Gentleman the Secretary of State for the Home Department only asked that the words should be put in a workable shape, and that the inquiry should be, so far as they could be, made applicable. Substantially, he accepted the Amendment, with a small rider to it, and that was really the question before the Committee. He had hoped that the hon. Gentleman the Member for Meath would not insist on moving the second Amendment which he had just threatened; because he must see it was impossible for him, or anybody else, or even the hon. and learned Gentleman (Mr. Herschell), to draft an Amendment upon a complicated matter of this kind at a moment's notice. If the draftsman found that the words suggested did not exactly carry out the unanimous intention of the Committee, he would see that other words would be brought in which would carry out that intention.

MR. ASSHETON CROSS would state exactly what he had done in the matter. He wanted, if possible, to make this clause convenient to work; and he had had two legal gentlemen with him for nearly an hour that morning, and though they drafted a number of Amendments, they neither of them could draw one which was satisfactory. The parti-

cular clause as to India would require very grave and serious consideration; but the words he proposed he thought were sufficient to carry out what was desired.

MR. PARNELL wanted to know whether the Secretary of State for the Home Department thought there ought to be these independent inquiries in India, and whether he would introduce words to insure that these independent inquiries should be held?

MR. ASSHETON CROSS answered, that he could not state his intention more clearly than he had already done.

MR. PARNELL begged to move to report Progress. The right hon. Gentleman had distinctly evaded replying to his question. ["No, no!"] The right hon. Gentleman had most distinctly evaded replying to his question. He had asked whether he would undertake that the Amendment on the Report should be introduced into this Bill which should secure to the soldier dying in India the same independent inquiry which he obtained in England? The right hon. Gentleman had refused to give any answer to that question, although it was a fair and straightforward question, and one which ought to be answered.

MR. HERSCHELL said, he understood the right hon. Gentleman to say he would do so. He might be wrong; but he certainly understood that, and he was acting under that impression.

MR. BIGGAR said, this altercation confirmed what he had before said about the mischief of ambiguous statements. ["No, no!"] The right hon. Gentleman had distinctly said that he was in favour of the principle. The controversy now was whether he had said he would carry that principle into operation. His statement on that point might have been more or less ambiguous, because different Members formed different opinions as to what was said. The hon. Member for Birmingham (Mr. Chamberlain) thought one thing was said, while the hon. and learned Member for Durham (Mr. Herschell) thought another; and the right hon. Gentleman sat still and confirmed neither the one nor the other view. If he would get up and say, "I will try and carry this idea into operation," it would save a great deal of time; while, on the other hand, if he did not wish to carry this idea into operation,

he might say so, and they might argue the clause on its merits. He could not understand why, if the right hon. Gentleman were inclined to help Business, he should sit still and refuse to answer a thoroughly plain question.

MR. ASSHETON CROSS replied, that he never refused to answer any question at all. The question asked of him was one which he could not answer more than he had done already. He was in the hands of the Committee, and if the Committee wished him to repeat what he had said he would say it again. He was in favour of the spirit of the Amendment; but, as far as coroners were concerned, he said that the Amendment would not work, because he understood there were no coroners in India. He was altogether in favour of a free and independent inquiry in cases of death happening in prisons. Therefore, he proposed to put in the words "as far as the same can be made applicable." Therefore, he said that if those words were put in he would, before the Report, consult the draftsmen and see how this intention that there should be an independent inquiry could best be carried out.

MR. HOPWOOD said, they quite understood what the right hon. Gentleman had said, and they wanted now to know whether he would go a step further and promise to use his great influence with the governing powers in India to bring about, on behalf of the soldier, that which this Committee desired to enforce? If he would give them that assurance, he could not do more. These were the points on which a little doubt and difficulty was arising. The words he had used left them in no doubt about his intentions; but they now wanted to know whether this was to be treated merely as draftsman's work, imposing no obligation on the Government, or whether he would press the Indian Government to carry out this change? That was the only point on which the Committee asked for some assurance of his feeling.

SIR HENRY JAMES trusted the Committee would refrain from pressing the right hon. Gentleman; for it seemed to him (Sir Henry James) that it was unbecoming to raise such questions as these. The right hon. Gentleman, in his opinion, had spoken as clearly and as definitely as he could. He approved

the Amendment; but he could not approve it as it stood, because there were places where coroners did not exist; and, therefore, he proposed to add words applying the principle as far as was practicable. The right hon. Gentleman had said he would take counsel and see what words would be the best; and if he proceeded without such counsel, and hastily, on words drawn at the Table, they would get a result which would afterwards produce those inextricable difficulties of which they often had experience in the Courts.

MR. HOPWOOD said, the hon. and learned Gentleman (Sir Henry James) had rather administered a reproof to him. His hon. and learned Friend had said that the Secretary of State for the Home Department had promised to take counsel as to how this Amendment could best be carried into effect. He had not said that. He had said that he would take counsel with the draftsmen how they could put in words to carry this out as far as possible. But he had not said that he would press upon the authorities governing India and endeavour to induce them not only to carry this out as far as it was practicable, but to make it an effectual legislative enactment.

MR. HERSHELL thought the hon. and learned Member for Stockport (Mr. Hopwood) had not listened very carefully to what was going on. He seemed to be under the impression that the Secretary of State for the Home Department said that he would merely consult with the draftsmen to see how far the Amendment could be carried out. On the contrary, the right hon. Gentleman had said that he was entirely in favour of an independent inquiry; that he thought there should be an independent inquiry in India as well as elsewhere; and that he would consult with the draftsmen to see how that best could be carried out. He had not at all limited what he had said by using the words "as far as possible." He understood the declaration of the right hon. Gentleman to be that he was entirely in favour of independent inquiry, and that he would consult the draftsmen as to how that could be most effectually secured. What more than that they could ask for he did not know.

MR. GREGORY thought the first thing they should ascertain was, whether this was not already provided for

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in India. The Indian Penal Code had been in operation for some time, and the question was, whether this provision did not already exist there under that or regulations for the management of prisons? They were going to legislate for India without knowing what legislation on the point already existed in that country.

LORD EDMOND FITZMAURICE said, nobody would complain of the hon. and learned Member for Stockport (Mr. Hopwood) asking the question he did; but, for his part, he (Lord Edmond Fitzmaurice) did not conceive there could be any doubt on the matter after what had fallen from the Secretary of State for the Home Department. He had said, with perfect clearness, that it was his intention that prisoners dying in India should have the same legal privileges and rights as those enjoyed by prisoners similarly situated in England. He might remind the hon. and learned Member for Stockport (Mr. Hopwood), also, that he could claim the promise of the right hon. Gentleman as the promise of his hon. Colleagues. If the right hon. Gentleman, as partly in charge of the Bill, gave a pledge on a particular point, it was not, as was supposed by the hon. Member for Meath (Mr. Parnell), that he did not bind his Colleagues. There was no such thing as a separation of Cabinet Ministers, and he must remind the hon. Member that the Office of Secretary of State was one Office, and all the different Members in it held the same position. Therefore, what was said by one and what was done by one was practically said and done by all.

MR. PARNELL observed, that the Secretary of State for the Home Department had amended his words. ["No, no!"] He (Mr. Parnell) had taken down the words on both occasions. First of all, the right hon. Gentleman said he would consult with the India Office to see whether anything could be done. Then, subsequently, when he (Mr. Parnell) moved to report Progress, the Home Secretary changed the expression.

THE CHAIRMAN said, he must point out to the hon. Member for Meath (Mr. Parnell) that he said he would move to report Progress, but that he did not do so. [Mr. PARNELL: Oh! yes, I did.] The hon. Member rose and

said that he proposed to move to report Progress; but he sat down without making that Motion, and, as a consequence, there was no Motion now before the Chair.

MR. PARNELL said, he certainly had intended to move to report Progress, and if they had any doubt about it he would move it again. He did not, however, intend to persevere with it for the reason that the statement the right hon. Gentleman made now was very different to that he made a short time ago. He said now he would see how an independent inquiry could be carried out. That was a sufficiently satisfactory statement; but it was not the statement he made on the original Motion to report Progress. His statement then was, that he would see whether anything could be done. He begged now to withdraw the Motion. He must, however, tell the hon. and learned Member for Taunton (Sir Henry James) that he could not accept his suggestions as to how he should conduct himself. He should accept suggestions from the Chair, but not from anyone sitting on the Opposition Benches.

THE CHAIRMAN stated that no Motion having been made it was impossible for any Motion to be withdrawn.

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

Pay and Pension.

Clause 132 (Authorized deductions only to be made from pay).

MR. BIGGAR said, his hon. Friend the Member for Dungarvan (Mr. O'Donnell) had asked him to move to amend the clause, which he would do formally, by moving to leave out from the end the words "or by any Royal Warrant for the time being." These Royal Warrants had created considerable inconvenience; and he thought it was very reasonable indeed, and very desirable that, as far as possible, all public affairs should be regulated by Act of Parliament.

Amendment *negatived.*

MR. PARNELL was sure the right hon. and gallant Gentleman the Secretary of State for War did not intend to be discourteous, and that it was owing

to an accident that this Amendment had been dismissed as unworthy even of a remark from him.

MAJOR NOLAN observed, that if these words had been left out the whole machinery of the Army would be disorganized. There were many details, such as stoppages for mess, and bands, and so on, which must be regulated by some authority, and yet could hardly be regulated entirely by that means. There was certainly one deduction which the men always grumbled at—that was for barrack damages.

COLONEL STANLEY explained, that he did not understand that the hon. Member for Cavan County (Mr. Biggar) had finished his observations. He quite agreed that it was impossible to put into an Act of Parliament all the deductions which should be made.

SIR ALEXANDER GORDON asked, whether the clause applied to all parts of the world? In India, there was a practice of making local Acts override Imperial Acts, and of stopping pay from officers under these local Acts wholly irrespective of the Imperial Acts.

COLONEL STANLEY said, it was entirely new to him that a local Act could override an Imperial Act; and if the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) could refer him more accurately to what he was referring he would endeavour to clear the matter up.

SIR ALEXANDER GORDON explained that there was a list under the Articles of War of what deductions were to be made. The Indian Government, a few years ago, passed an Act that an officer in that country, before he was allowed to perform his duty, should take out a licence. That had occurred in his (Sir Alexander Gordon's) own case. He had been sent out by the Horse Guards to serve as a military officer, and he had got his commission in his pocket entitling him to serve, and to exercise his profession; but he had to pay a very large sum, as much as the Governor General himself, before he could exercise his duty.

MAJOR O'BEIRNE observed, that there was no doubt officers were subject to deductions from their pay in a most unjustifiable way. For instance, eight days' pay was deducted for the support of the band from all officers of the rank of captain; but it was not de-

ducted from the pay of subalterns, which he thought very unfair. He was also charged with the expense of his promotion certificate, and other certificates, which was most unfair. An officer who rose from the ranks found these deductions very unjust.

MR. ONSLOW explained, that the licence referred to was a *quasi*-income tax put upon all individuals in India. He should like to know what the Natives would have thought if they had been liable to this licence tax, while a European, who drew far higher pay in India than officers of the same rank serving anywhere else, had been free from the tax. It would be thought a real and very gross injustice. He was in India at the time the tax was proposed, and undoubtedly there was great complaint at its imposition; but all saw the necessity that every subject of Her Majesty should be taxed equally.

MAJOR NOLAN observed, that this licence tax did not come under the clause at all; but was, as had already been said, in the nature of an income tax, which was also stopped from an officer's pay in England.

Clause agreed to.

Clause 133 (Penal stoppages from ordinary pay of officers) *agreed to.*

Clause 134 (Penal stoppages from ordinary pay of soldiers).

MAJOR NOLAN said, he wished to bring under the notice of the Secretary of State for War what was, to a certain extent, a question of drafting; but was, at the same time, an extremely important matter. As he understood the clause, if a man was absent without leave there was an imperative stoppage of his pay. As the clause now stood, he understood that if a soldier was absent for a day his pay must be stopped. That was a radical and important change in the present discipline of the Army, for, under the old Acts, a commanding officer had a discretion in the matter. The first consequence of the change was, that as the word "soldier" included non-commissioned officers, they were now going to punish non-commissioned officers, if they were absent for a day without leave, which was a totally new feature in the Bill. Absence without leave was a very serious offence, on the one hand; but it was also, under some

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circumstances, the most trivial offence a man could commit. Then, was part of a day the same as a whole day? It very often happened that a soldier was absent without leave from 10 o'clock at night till 1, and that would imply a stoppage of two days' pay. If that stoppage was to be imperative on the commanding officer, of course, heavy punishment would be inflicted. In some cases, it was not even certain that the man intended to commit an offence. He was asked why he was absent, and his reply might be that he went up to town and missed his train. If that explanation was believed, the excuse was accepted. But, of course, a man could not go on for ever missing trains. But the amount of two days' pay was not the most serious part of the punishment. One of the consequences was to put back a man's good conduct stripe for two years. That meant a loss of a penny a-day for two years, or £3; while if the man had already got a good conduct stripe he lost it for a year, which was a loss of 30s. There were also other consequences which followed from the loss of this stripe which he had not estimated. He wanted the Committee to leave the law as it now stood at present, and to give the commanding officer a discretion. He would, therefore, move, in page 71, line 6, to insert the word "may" instead of the word "shall."

COLONEL STANLEY said, that he would agree to the insertion of the word "may" instead of "shall." If the hon. and gallant Member (Major Nolan) would look at Clause 135, he would find that he was under a misapprehension. He (Colonel Stanley) had endeavoured to explain that the effect of these two clauses was simply to make it permissive whether a man forfeited his pay or not. Formerly, a man might be absent and yet not forfeit his pay. They wished now to provide that the presumption should be that where a man was absent, he should not receive his pay for the days during which he had been absent. It was perfectly possible for a commanding officer, under Clause 135, to say that a man should receive back his pay upon making a proper explanation of his absence. The intention of the Government was to leave the law exactly as it was, and simply to alter the presumption as to the loss of pay. Where a man had been guilty of absence without leave, he

would forfeit his pay for the period of his absence, unless his commanding officer should order him not to do so; it was not intended to make it compulsory upon the commanding officer to stop a man's pay; but the commanding officer would act as he did at the present time, entirely at his own discretion. He wished it to be clearly understood that the law was left exactly the same as at present, and that full power was given to a commanding officer to remit the whole or any portion of the forfeited pay.

COLONEL ALEXANDER did not agree with the statement of the right hon. and gallant Gentleman the Secretary of State for War that the practice would remain as heretofore. The question which a commanding officer would now have to decide was not whether he would take away two or three days' pay from a man; but he would have to give his decision as to whether a man was to receive back the pay which he had forfeited by being absent. It seemed to him that this was not a good alteration, and that it would give rise to great confusion. It would be necessary for a man to say now to his commanding officer—"Give me back my pay." As the hon. and gallant Member for Galway (Major Nolan) had observed, if a man was sentenced to forfeit his pay, it would involve a regimental entry. There was no doubt that, under the new system, a great many more men than heretofore would lose their pay.

MR. A. H. BROWN wished to draw attention to the operation of the provision in certain cases for deduction of pay. Sometimes the Volunteers were placed by the Bill under martial law, and in all respects put upon the same footing as the Regular soldiers, and an allowance was given them for going into camp. He wanted to ask the right hon. and gallant Gentleman if he did not think it would be unfair for a deduction to be made from the allowance to Volunteers? The allowance was given for the benefit of the whole corps, but it was practically taken by the commanding officer and used as a fund. It was entirely different from pay, and, in his opinion, ought not to be taken away under this provision of the Bill.

COLONEL STANLEY said, that, of course, it would be a matter for the discretion of the commanding officer as to whether he would take away a man's

pay. He imagined that, technically, the allowance could be claimed by each man, unless the rules of the corps said otherwise. By an arrangement made between the men and the commanding officer, the allowance was placed in a fund; but he imagined the men had a right to the money. Of course, where the rules of the corps otherwise prescribed, then a man was precluded by his contract from claiming it.

MR. A. H. BROWN remarked that this allowance to Volunteers in camp was in the same position as the capitation grant. Both were given to the men individually; but, practically, formed a fund. It would be impossible for a Volunteer to claim from his commanding officer any sum which might be given him in respect of the capitation grant, or allowance for going into camp. His point was, that if a man were fined under the Bill, and his allowance was taken away from him, then they would be taking away something which was really given for the good of the whole corps. His contention was, that this clause should not apply to Volunteers when under martial law.

COLONEL STANLEY believed that the capitation grant was the property of the men who earned it, unless the rules of the corps otherwise provided. Technically, the capitation grant was the property of each man, and he could sue his commanding officer for not giving it to him, unless the rules of the corps said otherwise. At all events, it was a point for the Civil Law to decide. As regarded the stoppage of any allowance to a man, if it were the property of the corps, then, no doubt, a man would be bound to make it good; or, of course, it was within the discretion of the commanding officer to say whether or not it should be taken away.

MR. A. H. BROWN said, that the allowance was given for the benefit of the corps. It was true, no doubt, that the commanding officer of the camp might be the commanding officer of the Volunteers; but it was quite as likely that a Regular officer might be put in command of the camp, and it would be in his power to take away this allowance from the corps. It was not true that the rules of all corps obliged men to give up their right to the capitation grant and vested it in the commanding officer. The contrary was the case with

the corps which he had the honour to command; and if the right hon. and gallant Gentleman were right, he would be liable to be called upon, by every man in the corps, to repay the capitation grant. He did not think that that was the correct view of the matter.

COLONEL STANLEY said, that he had not offered any conclusive opinion upon this matter. This provision, however, applied to the deduction from a soldier's ordinary pay in the Regular Forces, and was not likely to arise in the case of Volunteers.

MR. RIDLEY wished to point out that in the Definition Clause it would be found that the expression "soldier" did not include a non-commissioned officer. It was perfectly true that he was subject to military law as a soldier; but it was expressly provided that the expression soldier should not include a non-commissioned officer. The clause said—

"The expression 'soldier' includes any person belonging to Her Majesty's Regular, Reserve, or Auxiliary Forces, and who is, for the time being, subject to military law, and not an officer or non-commissioned officer, as above defined."

MAJOR NOLAN said, that there had been a long contest as to this definition last year. It was ultimately settled that, for the present, the word "soldier" should include non-commissioned officer. What he wished to know was, whether this particular clause was meant to apply to non-commissioned officers as well as to soldiers?

COLONEL STANLEY apprehended that the clause would apply to non-commissioned officers.

MAJOR NOLAN thought that the point should be more definitely settled; it was not right that there should be any possibility of mistake about the matter. It did not appear to him that Clause 135 was satisfactory. The effect of taking a man's pay away was to cause a regimental entry to be made, and that had a very serious effect upon a man.

COLONEL STANLEY said, that, as regarded regimental entries, it was intended to follow the existing practice. No doubt, when a man's pay was stopped, a regimental entry would follow, as at present; but it was not intended to follow the practice any further than it existed at the present time. All that they wished to do was to reverse the presumption that a man who had been

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absent was not to lose his pay. They wished now to make a man lose his pay unless his commanding officer remitted the deduction to him; of course, then, a regimental entry would not be made.

MAJOR NOLAN said, that if the deduction were to be remitted the commanding officer would have to make an explanation of the circumstances. He would have to write a letter, or to give some explanation to the superior authorities. *Prima facie*, a man, when absent without leave for a day or part of a day, had committed an offence, and was subject to a regimental entry. To prevent that happening, a commanding officer would now have to remit the deduction, and to make an explanation of the circumstances which had led him to do it. The pay would have to be remitted by some formal entry, and the commanding officer would be liable to be called upon to account for having so remitted it. There would be a *prima facie* case against the commanding officer for having remitted the deduction. Perhaps this would not affect a strong commanding officer; but it would tend to prevent many weak ones from using their discretion.

THE CHAIRMAN desired to point out that the subject which the hon. and gallant Member was discussing did not arise under the clause.

MAJOR NOLAN observed, that the right hon. and gallant Gentleman the Secretary of State for War had pointed out that Clauses 134 and 135 ought to be taken together in dealing with this matter. As the right hon. and gallant Gentleman had, however, consented to put in the word "may," instead of "shall," he would leave the matter as it stood at that time.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN moved, as an Amendment, in page 71, line 8, before the word "day," to insert "whole." The effect of the Amendment would be that deductions from the ordinary pay of soldiers could only be made for every whole day of absence. He thought that if the law was to be altered it would be better to put it beyond doubt that a man was not to have his pay stopped unnecessarily for an absence of a few hours. It was a serious offence for a man to be 24 hours absent; but half-an-hour, or a few hours, might be a very trivial matter.

COLONEL STANLEY said, that there was no intention to make any change in the law by this clause, but only to alter the presumption as to the deduction of pay. The simple object of the clause was to provide that a man's pay should be presumed to be forfeited by his absence, unless his commanding officer should otherwise order.

MAJOR NOLAN thought that it ought to be made clear that absence for a few hours did not involve forfeiture of pay. He had seen two or three days stopped from a man's pay for a few hours absence, and he did not think that that ought to be allowed.

COLONEL ALEXANDER asked why the right hon. and gallant Gentleman had changed the 176th Article of War, by which a soldier was made liable to forfeit his pay for any day or days, not exceeding five, for which he should have been absent without leave. Under that Article, commanding officers were enabled, if they thought it right, to make a soldier forfeit his pay. The effect of the alteration would be that a soldier would have to apply not to have his pay stopped. A soldier, when before his commanding officer, might say nothing, and his pay would then be taken from him as a matter of course. In his opinion, it would be better that the presumption should be that the man should not forfeit his pay.

MR. J. BROWN said, that he had an Amendment on the Paper in the Definition Clause (180) to which, if he might now allude, as the Secretary of State for War had already done so, he would like to draw the attention of the hon. and gallant Member for Galway. It was in the same direction as the Amendment now before the Committee, only it made "a day" for the purpose of deducting pay to be not less than six hours, not "a whole day." He quite agreed with the hon. and gallant Member's observations to the effect that they ought not to allow pay to be taken away for a short absence; but thought the best way to meet the case was by his Amendment at the end of the Bill.

COLONEL STANLEY thought that the best plan would be that he should undertake to consider this clause, and amend it, if necessary, upon the Report. The Government wished to leave the law as it was at present, except so far as it was altered by the Amendment of the

hon. Member for Horsham (Mr. J. Brown), which he thought very fair.

MAJOR NOLAN said, that if the Amendment of the hon. Member for Horsham (Mr. J. Brown) was accepted he would withdraw his Amendment.

COLONEL STANLEY hoped that the Committee would pass the clause in its present form. He would promise to consult his Advisers in the matter, and to see whether or not this clause could be altered. He was desirous of making it perfectly clear that where a man was absent for a certain time his pay should not be taken away for longer than the period for which he was absent.

COLONEL ARBUTHNOT did not see any necessity for postponing the consideration of this clause, as there was no alteration in the existing practice, except that "may" was substituted for "shall."

Amendment, by leave, *withdrawn*.

MAJOR NOLAN said, that the object of the Amendment which he had now to move—namely, in page 71, line 9, to leave out "without leave or as prisoner of war," and insert—

"As prisoner of war, or, if ordered by a court martial or by his commanding officer for every day of absence without leave;"

was to make it quite clear that pay was not to be stopped unless the commanding officer expressly desired it to be. At present, the commanding officer did not stop the pay unless he thought it was a bad case; but under the system introduced by the Bill, a commanding officer who remitted the deduction would have to send in an explanation. In the Artillery, junior officers would have to send in explanations to the satisfaction of two commanding officers; and it was quite possible that the lieutenant-colonel might allow it, but the full colonel would not allow it. He only gave that as an illustration; but the same thing would often happen in the Infantry and in the Cavalry. He thought the result of the change made in the matter would be that many more soldiers would have their pay stopped than at present. They were now taking away a man's pay by Act of Parliament, and altering the presumption against the soldier. It was really a very important point, for taking away a man's pay involved very serious consequences. If a man happened to

Colonel Stanley

bear a bad character, a commanding officer would give him a heavy punishment. But this Act would make a heavier punishment imperative, unless a commanding officer chose to remit it. He believed that, considering the circumstances under which troops were commanded, about one-half of the commanding officers would object to write letters accounting for their remission of deductions from pay, and many men would be deprived of good conduct pay for very trivial offences. The Amendment proposed by the hon. Member for Horsham (Mr. J. Brown) removed a part of his objections by reducing it to a longer absence. He did not see that there was the slightest objection to the system as it existed at present.

COLONEL STANLEY wished the Committee to consider the position in which the matter now stood. They had inserted the word "may" instead of "shall." He had been asked why he had reversed the presumption, and for that he had given his reasons. If it could be shown that he were wrong, he was willing to revert to the original presumption. But it must be remembered that the words in this clause would have to be read in connection with other clauses, and it seemed to him that the whole matter was really one of form, and that the word "may," which they now had inserted in the clause, made it permissive on a commanding officer to make these deductions; and the matter was made still clearer by Clause 135, which gave power to remit any deduction.

MAJOR NOLAN said, he did not pretend to be an authority; but he would draw attention to the fact that Regulations could be issued by the Secretary of State for War, and would probably be issued, which would make these deductions imperative. The Secretary of State for War had power to order commanding officers to make these deductions of pay. Of course, if the Secretary of State for War promised that matters were to be left as they stood in the clause, there would be no question about reversing the presumption.

COLONEL STANLEY remarked that he had already said once or twice that his intention was to leave the law as it existed at present.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, that he had to move, as an Amendment, in page 71, line 9, to leave out from the clause the words "or as prisoner of war." The Amendment was one which stood on the Paper in the name of the hon. Member for Birmingham (Mr. Chamberlain). He (Mr. Parnell) did not see any provision in the Bill for taking away the pay of an officer who had been taken prisoner of war, and it was unfair, therefore, to take away the pay of a soldier.

COLONEL STANLEY said, if the hon. Member for Meath (Mr. Parnell) would allow him, he would alter the clause by inserting words, which would meet his views. He should propose to insert after "or as prisoner of war," the words, "without his absence is not satisfactorily explained."

MR. PARNELL supposed that the right hon. and gallant Gentleman meant that these deductions were to be made if a soldier were taken prisoner by reason of his own conduct.

COLONEL STANLEY: If he were taken prisoner, and failed to establish that he did not have it in his power to get away.

MR. CALLAN: That is, if he was taken prisoner by any want of due precaution.

Amendment (*Mr. Parnell*), by leave, *withdrawn*.

Amendment (*Colonel Stanley*) *agreed to*.

MAJOR O'BEIRNE said, that he had to move an Amendment in page 71, lines 17 and 18, to leave out the words "to have been caused by his own misconduct." The effect of the Amendment was to prevent the ordinary pay of a soldier being deducted when he was in hospital on account of sickness, certified to have been caused by his own misconduct. There were various objections to the practice of deducting the pay of men who were incapacitated from duty owing to the contraction of certain diseases. The practice of making these deductions was only introduced into the Army some few years ago, and was a complete innovation. It should be remembered that only about 4 per cent of the men were allowed to marry, and there was, therefore, great excuse for them in the matter. The officers of the Army were strongly opposed to this deduction being made, for they said that it induced men

to desert. It was also a strong objection to the system that the pay of officers was not deducted while they were incapacitated from similar causes, although he had known some officers incapacitated from these diseases for several months. It might also happen that men were situated in districts where the Government had not taken the precaution to protect them from the disease. The greatest objection to these deductions from the men's pay was that it led to the concealment of disease on the part of the men.

COLONEL ARBUTHNOT could speak from his own experience as to the ill-effects of this system. Many medical officers had appealed to him during the last few years to do what he could to obtain a reversal of the system, because it was very detrimental to the Army. In his opinion, it led only to deception and to the concealment of disease; men were driven to quack doctors, and very often ruined their constitutions.

COLONEL ALEXANDER said, he was of opinion that the practice of deducting the pay of men when they were incapacitated by diseases of this character was a total failure. It led, in many cases, to the concealment and ultimate aggravation of the disease. He had also been informed by a medical officer that he had known cases of men being punished twice over, on the supposition that they had contracted a fresh disease. This was really a question of class legislation, for officers were not subject to the same penalties, although they were equally liable to contract the disease.

MAJOR NOLAN fully agreed with what had been said as to the evil effects of deducting men's pay for these reasons. He had never supported the theory that officers and soldiers should always be treated exactly the same; but he thought that, in this case, it was the greatest unfairness to stop the pay of a soldier, while the pay of the officer was not stopped, for the same reason. He could see no good result from stopping the pay of a soldier—the State saved no money by so doing, and he could not but think that a great deal more harm than good was done by the practice. He hoped that the Amendment would be accepted.

MR. HERSCHELL understood that the hon. and gallant Member for Leitrim (Major O'Beirne) had moved to leave

out the words "to have been caused by his own misconduct, or." He would point out that if this were done there would be nothing left to govern the rest of the clause.

COLONEL STANLEY thought, from what had been said, it must be assumed that it was not considered wise to deduct pay on account of illness caused by misconduct of a particular kind. Whether it would be wise to strike out the whole of the sub-section he did not know. With regard to the merits of the Amendment, he might say that there was no doubt that the effect of the stoppages was to cause a great deal of concealment, and thus to aggravate the disease. He was placed in this difficulty about the matter—he understood that all the questions in connection with this subject were already under the investigation of a Committee of the House. At the same time, he had no objection to the words "by his own misconduct" being struck out of the sub-section. He was very strongly in favour of the Amendment; but, perhaps, it would be necessary to provide for the case of a man who wilfully injured himself, and, if necessary, he would bring in words on the Report to provide for that case. He would consent to the Amendment, on the understanding that he should be at liberty to insert words to govern the other cases of misconduct.

MR. PARNELL thought there could be no objection to the right hon. and gallant Gentleman taking the course he proposed, and inserting words to deal with other cases of misconduct, if he thought it necessary, on Report. He would, however, point out that self-mutilation was already made an offence under the Bill.

MAJOR NOLAN thought there were ample guarantees against self-mutilation in the clause, which had already been passed.

COLONEL ARBUTHNOT said, that, in his opinion, it would be best to omit sub-section 2 altogether.

Amendment agreed to; words struck out accordingly.

MR. PARNELL said, he had an Amendment to propose to sub-section 3 of this clause—namely, after the word "destruction," to insert the word "directly," thus making a soldier only liable to have deductions made from his

pay to make good, amongst other things, destruction directly occasioned by the commission of any offence by him.

COLONEL STANLEY considered it would be unadvisable to insert this word. It was surely sufficient evidence that the damage or destruction had occasioned by him, if he were convicted of the offence.

MR. PARNELL said, a very important question arose between the nature of direct and indirect damage, as to which he might allude to the well-known example of the Alabama Claims. If they were to make a soldier responsible for every expense, loss, damage, or destruction, he could be made liable for a good deal more than he ought to be in common fairness. No doubt, this was a legal point, and a man ought not to be held responsible for indirect damage arising out of his act. He thought that the Amendment might fairly be accepted, for he could imagine many cases in which it would be unfair to the soldier to make him responsible for damage not directly occasioned by him. He did not think that the right hon. and gallant Gentleman should have any hesitation in accepting the Amendment.

SIR ALEXANDER GORDON was of opinion that the clause was perfectly clear as it stood, and he hoped that the Amendment would not be accepted.

Amendment negatived.

Clause, as amended, agreed to.

Clause 135 (Remission of deductions from ordinary pay); and Clause 136 (Supplemental as to deductions from pay), severally *agreed to*.

Exemption of Officers and Soldiers.

Clause 137 (Exemption of officers and soldiers from tolls).

SIR ARTHUR HAYTER moved, as an Amendment, in page 72, line 34, after "regular," to insert "and auxiliary." His object in moving that Amendment was to make it perfectly clear what powers were to be conferred upon the Volunteers. He knew that, at certain times, the expression Regular Forces included the Volunteers of all arms; but he did not think that the right hon. and gallant Gentleman the Secretary of State for War could object to put in the words he had moved, in order to make it perfectly clear. Let

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them consider, for one moment, the powers conferred upon a commanding officer. He could pass over regular ferries, with his soldiers, as passengers, and pay for himself, and each soldier, one-half only of the ordinary rate payable by single passengers, and he might have the ferry-boat for himself and his party, depriving others for that time, and should, in such cases, pay only half the ordinary rate for such boat. That was a very considerable power, and it was only right that the Volunteers should possess it. It was uncertain, as the clause stood, whether Volunteers on the march would be included in the term "soldiers of Her Majesty's Regular Forces on duty or on the march," or whether they would be entitled to do the various things which soldiers on service could do. He thought it was advisable to show perfectly, beyond any doubt, what powers were conferred upon Volunteers. It would be extremely inconvenient, unless it was thoroughly understood by the public in general, and by the Volunteers, that they had the same power as Regular soldiers; or, if they had not, that that also should be understood.

COLONEL STANLEY thought that the clause did not require amendment. If not perfectly clear, he hoped to make it so. He would prefer the Amendment of the hon. Member for Wenlock (Mr. A. H. Brown), if he altered the clause at all.

SIR ALEXANDER GORDON thought that the intention was not to include the Auxiliary Forces under the clause; and that by Regular Forces was meant those who served under continuous service. This clause, as it stood, did not include Volunteers, and he did not think it advisable that it should do so.

MR. A. H. BROWN observed, that this clause, undoubtedly, included Volunteers, because Clause 168 governed it, and placed the Auxiliary Forces in the position of the Regular Forces for the time being. The expression Regular Forces in this clause, therefore, included the Volunteer Forces, if they were subject to military law.

SIR GEORGE CAMPBELL thought it desirable that this clause should include Volunteers. They were raised and armed for the Public Service, and it was right that they should enjoy all proper facilities. In many parts of Scotland

the tolls were absolutely monstrous, and unless some power were given to Volunteers to travel at a cheaper rate, they would, in many cases, be prevented from assembling.

MR. ASSHETON CROSS thought that it would be dangerous to insert the words suggested in this clause, as some conflict might arise with Clause 168.

SIR ARTHUR HAYTER thought it better to amend this clause, as, otherwise, there would be a difficulty in referring to the other clause to see what was meant.

MR. ASSHETON CROSS thought it would be better to leave the clause as it stood; but if it were necessary to make it more clear it could be done on Report.

MR. PARNELL wished to point out to the Committee that when they came to Clause 168 it was proposed to enact that when officers and soldiers of the Auxiliary Forces were subject to military law they should be treated as if they were a part of the Regular Forces, and the Regulations enforced under the Act should apply to them. The matter only came to this—that if the Volunteers were subject to military law, then this clause would include them; but if they were not subject to military law at the time, this clause would not include them. The Committee was asked to go upon the assumption that the Volunteers were to be subjected to military law. But he must say that there would be a difference of opinion when they came to the part of the Bill by which they were made subject to military law. It was not right that Volunteers should be obliged to pay heavy charges for tolls. In Scotland tolls of 2s. 6d. or 5s. were not uncommon, and in England many turnpikes were still in existence. He was happy to say that in Ireland—where he hoped soon to see Volunteers—the roads were in a more advanced state, for they were made at the expense of the county in general, and there was no charge demanded of any person going along them. He believed that the roads in Ireland were the best roads in the world, and they were entirely free from all tolls. He certainly thought that this clause should be amended. It would be an anomaly if they did not give the Volunteers those facilities in Scotland which they would enjoy in Ireland. The Volunteers in

Scotland would be obliged to pay very heavy tolls, while the Volunteers that were to be established in Ireland would pay nothing.

SIR GEORGE CAMPBELL understood that Volunteers on the march for the purposes of drill were exempt. The object in view might be attained by merely omitting the word "regular."

SIR ARTHUR HAYTER replied, that Volunteers were already exempt from toll by the Volunteer Act, which was not superseded by this Bill; while even when this Bill was passed they would be exempted under the clause, because they were included as Regulars. He had only moved his Amendment in order to make the matter quite clear.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 138 (Exemption of soldiers in respect of civil process).

MAJOR O'BEIRNE moved, as an Amendment, in page 73, line 32, after the word "exceeds," to leave out the word "thirty," and to substitute "forty." He pointed out that the purchasing power of money was one-third less now than what it was when this Regulation was first introduced, and that, therefore, the change was desirable.

Amendment proposed,

In page 73, line 32, to leave out the word "thirty," in order to insert the word "forty."—*(Major O'Beirne.)*

Question proposed, "That the word 'thirty' stand part of the Clause."

COLONEL STANLEY did not think it would be very desirable to make the alteration. Practically, there was not much difference between £30 and £40; and he should not like to disturb the present arrangement, which was well known, and was a very reasonable one.

MRS. PARNELL thought that one of the provisions of this clause was of a very extraordinary character. A soldier was not to be compelled to appear in Court, except for a debt or damages, where the amount exceeded £30. He could not understand why a soldier should not be compelled to appear before a Court of Law in reference to a smaller sum than £30.

COLONEL STANLEY said, the clause made no alteration in the present state of the law. It was desirable that soldiers

should not be compelled to appear for comparatively small sums, for the obvious reason that he had not got the money to pay his expenses. He might be summoned from one part of the Kingdom to another, and then the loss would fall upon the public.

MRS. PARNELL thought that the provision was a very extraordinary one, and that it might be limited by making his appearance depend upon the will of his commanding officer, otherwise he might refuse to attend important trials as a witness.

SIR ALEXANDER GORDON pointed out that this might give rise to some difficulty.

MAJOR O'BEIRNE begged leave to withdraw the Amendment. ["No, no!"]

Question put.

The Committee *divided*:—Ayes 105; Noes 11: Majority 94.—(Div. List, No. 146.)

Clause *agreed to*.

Clause 139 (Liability of soldier to maintain wife and children) *agreed to*.

Clause 140 (Officers not to be sheriffs or mayors).

MRS. E. JENKINS said, he wished to move, as an addition to the clause, after the words "United Kingdom," in line 43, page 75, of the words "or and sit as the Representative in Parliament of any county or borough." The Amendment could not be a surprise, because it had been on the Paper for a considerable time, although it did not happen to be there now. He knew it was impossible for the Committee to make so serious a change as that proposed, and he merely moved it in order to ventilate the subject. Everyone who had sat in that House must have seen the effect upon all military questions, and especially upon the questions touched in this Bill, of the presence among them of hon. and gallant Gentlemen belonging to the Military Profession. They must feel that that Profession had a very large, and, possibly, a very unfair influence in that House. It was time, in his opinion, when the country should consider whether, as civil servants were excluded from Parliament, there was really any reason why military officers should be allowed to represent, not only a con-

Mr. Parnell

stituency, but really the Military Profession in the House. The influence of the Army was really abnormal, and was altogether too great. Many military questions were decided in the House in a manner which was inherently unsatisfactory in principle, and was, certainly, very often injurious to the true interests of the country. It would not be difficult to show that, in this Session, instances of military influence had been allowed to stifle discussion, and to prevent certain matters being properly brought before the judgment of the House and the country. This had really brought him (Mr. E. Jenkins) to feel that they could not have a fair discussion on military questions so long as an enormous number of military officers were allowed to sit in the House. He had restricted his opposition to officers on full-pay, and who, therefore, ought to be on active service; and he thought the House must feel, in regard to them, at any rate, that there was a great deal to be said against allowing officers to absent themselves from their duties in order to take part in their discussions. On the contrary, he had observed how very closely officers were kept to the grindstone in Austro-Hungary. Officers, Counts and Barons, were turned out every morning at 4 o'clock, and kept at drill for five hours; then they had to see that the horses were properly attended to; and then some six or eight of them might be ordered to ride 60 miles, and on the next morning make a sketch of the road, with military notes. It could not but be believed that there was an advantage, to both officers and soldiers, in keeping the officers close to the grindstone. In the Report of the Commission of 1869, they would find a statement by Major General Crealock, with reference to the German Army, that the *esprit de corps* was very great in consequence of the closeness with which the whole of the regiments were kept to their work. He could not but think that English officers on full-pay should not be allowed to indulge in the luxury of Parliamentary life. He simply raised the question; but he believed the day would shortly come when this change would be made.

THE CHANCELLOR OF THE EXCHEQUER hoped the Committee would not attempt to discuss the point, for it properly was not an Army question, but

was rather of a constitutional character, and ought to be settled when some electoral measure was before the House, if not made a separate measure by itself.

MR. E. JENKINS explained that he merely wished to raise the question.

MR. C. BECKETT-DENISON regretted that the hon. and gallant Member for Galway (Major Nolan) was not in his place to hear what his Friends were saying about him.

MR. SULLIVAN replied, that the Friends of the hon. and gallant Member (Major Nolan) were present, and could speak for him, if necessary; but they did not want to waste time over a purposeless discussion.

MR. R. POWER said, if the Amendment were carried, they would, of course, lose the services of his hon. and gallant Friend (Major Nolan), and they would very much regret it; but if they on that side lost his services, hon. Members on the other side would also lose those of the hon. and gallant Admiral (Sir William Edmonstone).

COLONEL ALEXANDER pointed out that officers serving in the Army, and who, of course, had had long practical experience, were the very men who could criticize the Bill with advantage. It would have been a very great disadvantage to the Committee if they had lost the services of the hon. and gallant Member for Galway (Major Nolan).

MR. BIGGAR remarked, that the Amendment was moved on the general question, and with no reference to any particular Member.

SIR GEORGE CAMPBELL was inclined to agree to the Amendment, although, undoubtedly, the military Members of the Committee had been most useful in the discussion of the Bill, and they could not well have got on without them.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Court of Requests in India.

Clause 141 (Military court of requests in India).

MAJOR O'BEIRNE moved, as an Amendment, to leave out sub-section 3. These courts only existed in India, and they were most useful. He could not see why, therefore, they should not be made available to soldiers as well as

civilians. It very often happened that officers going home sold their furniture and equipments to another officer, and then could not get the money. The mere threat of a summons before the court of requests would very often be enough to insure payment.

COLONEL STANLEY was not personally acquainted with the working of these courts; but he understood they were to protect individual officers and soldiers where there were not courts for small causes. The law had been in existence for some considerable time, and as it had worked very well he thought they had better not interfere with it.

MAJOR O'BEIRNE highly approved of the courts, and it was because they were such excellent things that he wished to extend their influence.

MR. HERSCHELL pointed out that there might be some difficulty, in a court consisting of officers, in one officer suing another. There might be a question about the impartial nature of the inquiry. That, he imagined, was the reason for the exclusion of actions between officers and soldiers.

MR. SULLIVAN thought the possibility was the other way. If a court composed of officers was competent to deal with claims between civilians and military men, surely, it could deal with questions in which both parties were military men. Why should the Courts in Westminster be held competent to try questions between civilians, if the same thing did not hold good for military men also? It was not, however, a question of importance; but was simply a matter of convenience.

COLONEL STANLEY thought the reason suggested by the hon. and learned Member for Durham (Mr. Herschell) was the true one. To strike out these words would also be to act in opposition to the spirit of the former clause, that courts martial should not consist of officers of the same regiment.

MAJOR O'BEIRNE pointed out that there was not the slightest necessity that these officers should be of the same regiment. Nothing was easier than to get them from another regiment, and to make the persons in the suit pay the travelling expenses.

SIR GEORGE CAMPBELL said, that, although he had had very great ex-

perience of military men in India, he had, curiously, never had his attention drawn to this law at all. The existing law worked very well, and it would surely be dangerous to change it in a hurried way. Clearly, it was a long-standing policy, not to allow officers who had incurred debts to recover them in this way, and as it might be contrary to good feeling he thought it better to keep the law as it was.

MR. BIGGAR pointed out that the alteration was suggested for the convenience of officers, and to give them a speedy remedy; otherwise, they might have to go to the Law Courts, and be put to an expense for lawyers and so on.

MR. PARNELL asked, whether the time had not now come to ask the Government fairly to report Progress? It was a Saturday Sitting, and, of course, if the Government chose, they could go on he, (Mr. Parnell) supposed, all Sunday; but, looking at the progress made, and the very important questions settled, and the number of hours the Committee had been sitting, and that that was the usual time for suspending the Sitting by the Standing Orders on other days, he would ask, whether the Government would now object to report Progress? He begged to move that.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Parnell.*)

THE CHANCELLOR OF THE EXCHEQUER said, undoubtedly they had been sitting for some time, and they were making progress. As, however, the Committee were now fairly engaged upon the Bill, it would really be a saving of time if they were allowed to continue the Sitting, and to work through the clauses now before them.

MR. PARNELL added, that perhaps the Chancellor of the Exchequer would say how much of the Bill he wished to get through?

THE CHANCELLOR OF THE EXCHEQUER replied, that, of course, he did not wish to keep them sitting to an unreasonable hour—not after 11 or 12. If they were allowed to go on and make real substantial progress with the Bill they might rise earlier.

MR. SULLIVAN said, that the Chancellor of the Exchequer proposed to keep them there till 11 on Saturday.

Major O'Beirne

He would respectfully suggest to the Committee to re-consider whether that was reasonable; and next, whether it was practicable? He thought, considering the progress made, they might now be allowed to go home.

LORD EDMOND FITZMAURICE hoped the Motion to report Progress would not be persisted in. If it were an early period of the Session, the suggestion would be perfectly legitimate; but they must consider the general condition of Public Business. They had been engaged for the greater part of the Session upon the Bill. It had received very thorough discussion from some hon. Members; and though some hon. Gentlemen might fairly object, and assert that these discussions had been drawn out to a considerable extent, still, no doubt, great and material improvements in the law had resulted, more especially in regard to flogging. But the condition in Parliament of Public Business had now become almost intolerable, and he was sure hon. Members did not wish to make the House the laughing-stock of the public. He was not disposed to join in the cry that there was other important Business besides this Bill before the House. There was one measure which he was very anxious to see carried, the Parliamentary Elections and Corrupt Practices Bill. ["Question, Question!"] There were other measures which he should be very sorry to see dropped, such as the Valuation Bill, a measure which was of great importance to those of them who lived in the country.

MR. SHAW thought they had some reason to congratulate the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) upon the specimen which he had just given them of obstruction. He did not see what a lecture on Public General Business had to do with reporting Progress. Of course, some people were born orators, and others were made orators by experience. On this question he had every wish to help the Government; but he also had some consideration for hon. Gentlemen who had been sitting there all day, and were now asked to sit till 12. He suggested that they should adjourn till 9; and after they had eaten their dinners he would be quite willing to sit till 12, or they might do some more Business, and adjourn at 8 o'clock.

MR. E. JENKINS suggested that they should go on with the Bill up to Clause 144, the last of the Indian clauses, after which there were some important Amendments which must give rise to considerable discussion. As they had worked very hard, he thought they might be allowed to go after that. Personally speaking, he was quite prepared to sit there till Monday morning, if necessary; but he hoped the Government would not make any attempt to push the measure in that way.

MR. ASSHETON thought they ought to do a fair day's work. When the House met on Saturdays it usually sat at 12 o'clock; but on this occasion, owing to circumstances to which he need not allude, it did not meet till half-past 1. He, therefore, thought it might fairly go on for some considerable time further.

SIR ARTHUR HAYTER observed, that they were now on Part IV. of the Bill, and that there were no important Amendments which were likely to occupy any considerable time until they came to Clause 166, which was the first clause in Part V. He thought they might fairly go on until they reached the end of Part IV.

THE CHANCELLOR OF THE EXCHEQUER said, he would willingly agree to that, if the Committee would proceed with its work at once.

MR. BIGGAR asked how many clauses were contained in Part IV?

THE CHANCELLOR OF THE EXCHEQUER said, the proposal was to go on up to Clause 165.

MR. BIGGAR did not think the proposition was at all reasonable. They had already been there six hours, and he thought hon. Members were entitled to some rest. He did not think the Government had any right to complain of the progress which had been made with the Bill, considering all the time that had been wasted by the Government themselves. ["No, no!"] Why, what had been done last week? Long discussions, it is true, had taken place on some Amendments; but, on the other hand, a long discussion had taken place as to the production of the cats. What had been the result of that discussion? The right hon. Gentleman the First Lord of the Admiralty came down yesterday and agreed to what had been fought for, apologizing for what had

taken place before, so far as the right hon. Gentleman himself was concerned. The Valuation Bill was of no importance until they had a satisfactory tribunal in the counties to carry it out; while the Parliamentary Elections and Corrupt Practices Bill was a very short matter. He thought they might go to the end of Clause 144, which would, he believed, satisfy the hon. Member for Meath.

MR. PULESTON hoped the Government would not give way. He could inform the Committee that a number of hon. Members on one side had arranged to remain in their seats to assist the Government in getting the Bill through the Committee. He hoped the Committee would, therefore, sit and do its work.

SIR GEORGE CAMPBELL, while disapproving of any such arrangement being made, pointed out that this was scarcely a proper point at which to report Progress. It would be better to go on until they came to a suitable point to raise it.

MR. SULLIVAN also thought they should go on until they came to some substantial Amendment. He should object to any proposition to go to this particular clause, or to sit till that hour; but there was a good deal in the Bill which they might get through, and he was willing to make progress till a reasonable hour. It was their duty to pass any Amendments to which they could not make fair exception.

MR. PARNELL was quite content to go on until they reached some Amendment which required discussion; but he considered the statement of the hon. and gallant Member for Leitrim (Major O'Beirne) was one which required attention and consideration; although, as the matter related to India, it was one on which many hon. Members were ignorant. There were, however, certain matters in Clause 145 in which he (Mr. Parnell) took considerable interest, and if the right hon. Gentleman would go as far as that clause he would then be willing to report Progress. They had already sat up to the time at which, ordinarily, the House would adjourn. [Sir WILLIAM EDMONSTONE: Oh, oh!] The hon. and gallant Admiral said "Oh, oh!" but he (Mr. Parnell) was sure that he would be willing to respect the wisdom of his ancestors, who had

made these Standing Orders. He did not wish to inconvenience the Chancellor of the Exchequer; but he must point out that they had already been there a very long time, and were becoming exhausted. If the right hon. Gentleman would give them an interval of two hours, or even an hour, so that they might go to dinner, it would show some consideration; but he (Mr. Parnell) objected to this Bill being forced upon them in the way it was, by a sort of *vi et armis* process, or to ask them to submit their Amendments when they were faint with hunger.

MR. E. JENKINS suggested to the hon. Member for Meath (Mr. Parnell) that they should go on until they reached some substantial Amendment. One or two important Amendments, he understood, were likely to be accepted by the Government.

LORD EDMOND FITZMAURICE also hoped they might be allowed to go on.

MR. PARNELL understood that it was not possible for them to adjourn for an hour, and then resume the Sitting. [An hon. MEMBER: No, we cannot, and if we could we should not.] He did not think the Chancellor of the Exchequer ought to be stubborn, as the Government had not been treated badly that day. Many most important Amendments had been withdrawn, and considerable progress had been made. He, therefore, had no other course but to press his Motion to a Division.

Question put.

The Committee *divided*:—Ayes 5; Noes 76: Majority 71.—(Div. List. No. 147.)

Question again proposed, to leave out "Sub-section 3."

MR. R. POWER hoped that the Government would not keep them there all night. The Committee ought to remember that the greatest obstruction to this Bill had come from the Treasury Bench. [Laughter.] Hon. Members might sneer and laugh; but the Government had wasted the best part of one night in discussing the conduct of the hon. Member for Dungarvan (Mr. O'Donnell), and then had taken no action in the matter. They had wasted the best portion of another night by refusing to produce the cats; the very

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next day had had to give way to the general feeling of the Committee. If they went on till 9 o'clock, they would do all in their power to facilitate progress.

COLONEL STANLEY said, if hon. Gentlemen would address themselves to the Question before the Committee, they would get home long before 9. He intended to leave out Clause 145, and he had no objection to the Amendment on Clause 146. The remainder of the clauses in Part IV. were merely procedure clauses; and he did not think it was unreasonable, there being so few Amendments down, that they should proceed to the end of that Part.

MR. SULLIVAN remarked, that this debate was beginning to take a turn that he did not like. An intimation had been plainly made across the floor of the House that an organization was in existence to provide the Government with a sufficient amount of physical force to snatch the Bill through. It was clear that there was this organization in existence. ["Oh, oh!" and "No, no!"] Yes, that intimation had been made plainly and frankly by the hon. Member opposite (Mr. Puleston), and he (Mr. Sullivan) honoured the hon. Gentleman for his candour in making the statement. If the Government were going to try and sweep the Bill through in this way, he would advise them to consider the matter before they began to get warm and lose their tempers. They had better really do at the beginning what, if this scene were continued, they would find at 11 o'clock had not been done. He would appeal to his hon. Friend the Member for Meath (Mr. Parnell) to let them go on until they came to some substantial Amendment likely to require much discussion. When he fought, if he was forced to fight, he liked to fight with his back against a rock; and he did not wish to fight until he was forced. The Government ought not to meet them in this spirit of sitting till 11 or 12 o'clock, in conjunction with the intimation that an organization had been prepared to force the Bill through. That could only result in failure. If they might go on till they came to an important Amendment, he was quite ready to sit till 12 o'clock on Sunday night to resist any unfair attempt on the part of the Government to carry out the design which had just been so unfortunately avowed.

MR. ONSLOW had not been asked to lend himself to any system of organization, and his hon. Friend (Mr. Puleston) merely said that his object was to assist the Government in passing the Bill. If hon. Members would allow the Government to take a certain number of clauses that afternoon, in all probability there would be no need for another Saturday's Sitting.

MR. SHAW heard the hon. Member for Devonport (Mr. Puleston) say quite distinctly that he was prepared to sit all night. That was not the way to facilitate Business. He (Mr. Shaw) was quite prepared to help the Government, and if they would name an hour which was not unreasonable he would be quite willing to assent. For instance, he would not object to 9 o'clock, or even to 10, in order to get the Business done; but already they had spent an hour in these discussions, in which it would have been much easier to have gone on with the work.

MR. HERSCHELL said, he came down to the House that day, because, as he served on the Committee on the Mutiny Act, he felt bound to give such assistance as he could. He was not in the least disposed to sit there. He had been working hard all the week, he had not been in bed any night before three o'clock, and he was not disposed to work any harder than was necessary. Still, he did feel that unless they made more progress than 10 clauses a-Sitting their self-sacrifice would be thrown away, and the Bill would be thrown over. He thought the suggestion that they should go on until a substantial Amendment was reached was a fair one.

MR. MONK hoped the Government would not agree to the suggestion that they should go on to a certain hour, because they all knew the way in which work could be stopped from their experience in the past. They ought to go on until some fair and reasonable progress had been made, and he was himself perfectly ready to sit until 12 o'clock.

MR. PARNELL said, he was not unwilling to accept the suggestion of the hon. and learned Member for Durham (Mr. Herschell)—to go on with the Bill until they came to a substantial Amendment; but the Amendment proposed to the present clause by the hon. Member for Leith was one of very much import-

ance, and he did not think that either the hon. and learned Member for Durham or himself was a good judge of it, because it was an Indian question. But even if they went on until they came to a substantial Amendment, how did he know that the Chancellor of the Exchequer would fulfil his promise? The difficulty was, the Government never considered any Amendment which came from that side of the House as important. There was evidently an attempt being made that night to carry the Bill through by physical force. ["No, no!"] It was all very well for hon. Members to say "No, no!" but that had been admitted by an hon. Member opposite. He (Mr. Parnell) remembered very well what came of the 26 hours' Sitting on the African Bill, and he saw that precisely the same arrangements were being made now as on that occasion. He was not going to wear himself out as uselessly as he did then, but intended to keep up his strength. He should not speak again; but he should use every Form which the House allowed in order to prevent the Bill being hurried through Committee without being properly discussed. He could assure the Government that it would take them much longer than 26 hours to press the Bill through Committee by physical force. During the 26 hours' Sitting, he and several other Irish Members were, unfortunately, subjected to great provocation and the most scandalous charges; and, of course, it was not in human nature to stand some of the things which were said to them at that Sitting.

THE CHAIRMAN said, he must point out to the hon. Member that what he was now stating had no reference to the subject before the Committee.

MR. PARNELL thought there was every reason for his course, which he intended to end in a Motion to report Progress. He submitted that they would never reach an Amendment which the Chancellor of the Exchequer considered important, because he considered none of them important. He (Mr. Parnell) and his Friends had been left repeatedly in minorities of 15, 25, and 35—none of them having exceeded 40—yet now it turned out that they had been right all along, and that the Government had been wrong. For instance, the whole of the evening of Thursday was spent by one or two of the Irish Members, until

the conscience of the Committee was aroused; and when it was aroused, after a time the Chancellor of the Exchequer attempted to turn the whole question into a personal matter; yet the effect of that discussion was that the Government had now made fresh announcements, and had actually gone so far as to give great hopes that the flogging clauses would be entirely withdrawn. He asked the Chancellor of the Exchequer to act up to his word as an English Gentleman, and to keep the pledge which he gave to the House. ["Oh, oh!"] Well, did hon. Gentlemen mean to say that the Chancellor of the Exchequer was not an English Gentleman? On the 19th June the Chancellor of the Exchequer stated that no objection would be made to any fair discussion on the principle of each clause as it was reached; but was it fair that they should be asked to go on discussing clauses when they were exhausted in this way, and when they had been in the House since half-past 1, and when they had been in the House also up to half-past 3 during the week? This was simply a monstrous proposition. Now, the Government were asking the Committee to do that which was directly contrary to the promise of the Chancellor of the Exchequer. When the Bill was introduced, the right hon. and gallant Gentleman the Secretary of State for War anticipated it would take three days' discussion; to that he (Mr. Parnell) replied that it was impossible to discuss such a Bill in the time, and to that the Government at last agreed, and so on throughout the history of the Bill. He wished to argue the Bill fairly and fully; but if, instead of argument, the Government were determined to resort to force, why they would use what little force they had in return. Of course, they would be beaten in the end; but they would fight very hard. There was not a single thing he had done through the whole history, since he first commenced his opposition to this law four years ago, in a minority of three or four, that he regretted, or that had been proved to be wrong, although the majority had thought so at the time. Therefore, he could not regard the opinions of educated and intelligent Gentlemen on this subject so highly as he might on others.

THE CHAIRMAN reminded the hon. Member that it was only by the indul-

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gence of the Committee he had been permitted to continue his remarks. He must point out that these observations were not in Order. Had the hon. Gentleman concluded with the Motion?

MR. PARNELL said, he was under the impression there was a Motion before the Committee; but if there were not he would move it.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Parnell.*)

THE CHANCELLOR OF THE EXCHEQUER observed, that if the energy and ingenuity which had been spent by hon. Members in discussing whether they should go on had been exercised in proceeding with the clauses, they would probably have pretty nearly by that time have got through their work. In reference to the suggestion that there was an attempt on the part of the Government to force the Bill through the House, he wished to say that the proposition to go on to the end of Part IV. was made by an hon. Member on the other side, which seemed to him (the Chancellor of the Exchequer) a very reasonable one, considering the Amendments on the Paper, and considering that it was made by a Gentleman who thoroughly understood the Bill. He believed that an hour or so would fully suffice to complete that part of the Bill. He also entirely repudiated the charge of organized obstruction. Certainly, a certain number of hon. Gentlemen had arranged to sit during the dinner hour; but that was all that had been done. It was entirely with the Committee to decide whether they would or would not make progress; and he would call attention to the remarkable fact that in the last Division 76 Members were in favour of going on, against 5 for not doing so, which proved that force was not being used in order to continue the work of the Committee.

Question put.

The Committee *divided*:—Ayes 4; Noes 67: Majority 63.—(Div. List, No. 148.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Major O'Gorman.*)

Question put.

The Committee *divided*:—Ayes 4; Noes 67: Majority 63.—(Div. List, No. 149.)

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. BIGGAR moved that the Chairman do leave the Chair. They had already been seven hours at work, and material progress had already been made; yet they were asked to pass some 30 clauses more, without any reference to Amendments which might be proposed on them. That was a thoroughly untenable contention; besides which it was impossible to debate the merits of particular Amendments when a Committee had been sitting for seven hours and was tired out. Recently, on an Amendment, the right hon. and gallant Gentleman the Secretary of State for War made an answer which had no reference to the Amendment, which showed that he was, even then, physically unfit, to some extent, for the proper consideration of these Amendments. Their object was not merely to pass a Bill, but to make an Act as nearly perfect as possible. As far as he was personally concerned, he did not wait to hear the debate on agricultural depression the previous night, with which he might have been more or less—probably less—edified. He thought the primary reason of agricultural depression was the enormous rents charged by landlords.

THE CHAIRMAN pointed out that the hon. Member was not in Order in referring to the debate of the previous night upon another question.

Mr. BIGGAR replied, that he was only pointing out what he would have said if he had spoken.

THE CHANCELLOR OF THE EXCHEQUER asked whether the hon. Member was not avoiding the decision of the Chair?

Mr. BIGGAR said, on that branch of the subject he had really said all he wanted to say. Instead of waiting for that debate he went home to his lodgings; and, therefore, he was now in such a frame of mind that he was prepared to sit down as long as the Government might think it convenient. He had no private engagements that evening, and he would sit there until any time, rather

than allow the Government to pass the Bill unargued and unexamined. He had no Amendments down himself; but there were many down in the name of hon. Members not present.

Motion made, and Question put, "That the Chairman do now leave the Chair."—(*Mr. Biggar.*)

The Committee *divided*:—Ayes 5; Noes 68: Majority 63.—(Div. List, No. 150.)

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. R. Power.*)

MR. BIGGAR said, that some progress had been made with the Bill to-night, and there he was of opinion that the further consideration of the measure might well be now adjourned until Monday. The right hon. Gentleman the Chancellor of the Exchequer, however, proposed to continue sitting some few hours longer; and, for his own part, he (*Mr. Biggar*) was quite willing to go on. He, and those who acted with him, formed a very small Party, and by continuing to sit for some hours longer only about half-a-dozen of them would be inconvenienced; whereas, on the Government side of the House, some 60 hon. Members were subjected to the inconvenience of a prolonged Saturday Sitting. The balance of inconvenience, therefore, rested with the other side of the House. He did not know whether that argument would or would not influence hon. Members opposite; but there was also the inconvenience to the Chairman and to the officials of the establishment. He had not heard the Government offer any argument in support of the principle of tired-out Members of Parliament attempting to legislate. It certainly was not for the interest of the country that hon. Members should undertake to do that which was virtually impossible—namely, to pass a good measure when they were worn out. It was far better to have a good Bill, after due consideration had been given to it, than a bad one, hastily passed on a Saturday afternoon. For these reasons, he appealed to the right hon. Gentleman to consider whether it would not be as well that Progress should be reported, and that the Committee ask leave to sit again, to take the further

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clauses of the measure into consideration on Monday. It was altogether impossible to give a Bill of this importance the fair and full consideration which it deserved after such a prolonged Sitting, when they were all tired out. The right hon. Gentleman appeared to wish that they should take the clauses which he asked them to pass without examination.

MR. GRAY said, that in discussing the clauses of the Bill he had been most anxious not to unduly take up the time of the Committee; but he now felt called upon to support the Motion of the hon. Member for Waterford (*Mr. R. Power*). For his own part, he should give his best attention to any Amendments on the Bill which might be brought forward either that evening, or in the course of to-morrow. He had left the House some hours ago, thinking there was no necessity for his presence; but a message had been sent to him to the effect that Divisions were being taken on the adjournment, in consequence of an hon. Member on the left—on the Government side—having stated in his place publicly in the House that relays of Members had been organized to enable the Government to force the Bill through at that Sitting.

MR. PULESTON rose to Order. The hon. Member was misquoting the observation he (*Mr. Puleston*) had made. He denied that he had stated that the Government had organized relays of Members to enable them to force the Bill through at that Sitting. ["Order, order!"]

THE CHAIRMAN said, that the hon. Member for Devonport (*Mr. Puleston*) was not entitled to rise to Order to correct a matter of fact. The hon. Member could state his case further on.

MR. GRAY said, that it was within his recollection that, two years ago, a similar attempt had been made by the Government to force a measure through that House during a single Sitting by means of physical force. He was at that time one of a small minority who opposed that attempt, and he had resisted it to his utmost. He was prepared to adopt a similar course now, and as often as it might be necessary to do so; because such an attempt on the part of the Government was unconstitutional, and utterly destructive to the liberty of Parliament. That these attempts would be made had been

spoken of and had been written of. They were not matters of gossip. It was complained that there had been undue criticism of the Bill, and that there had been so-called obstruction; but those who had made these complaints could not deny that substantial Amendments on important points had been carried by those who had criticized the measure, and whose criticism was objected to. The Chancellor of the Exchequer now wished to compel them to pass some 20 odd clauses more of the Bill, whether they wished to do so or not, and that on a Saturday, the only night which hon. Members had at their disposal, and perhaps would force them to sit all through Sunday. He did not think that the right hon. Gentleman was at all justified in adopting such a course; and, for his own part, he should resist to the utmost every such attempt on the part of the Government. He was not one of those who thought that, in all circumstances, a small minority was justified in resisting the will of the majority; but there were occasions—and that, in his opinion, was one of them—when a minority, however small, was amply justified in availing itself of all the Forms of the House to resist, *a outrance*, all attempts to force a measure through without time being given for its due consideration. This was an occasion of the kind. The Government had refused to listen to the arguments of his hon. Friends. He wished to point out, however, that they were all in a good humour so far; if the discussion degenerated into a wrangle, as it did on Thursday, he doubted if the Government would come out of it with any greater credit than they did that night.

MR. PULESTON said, he rose in consequence of the remarks which had just been made by the hon. Member opposite (Mr. Gray) in reference to the statement which he had made. The hon. Member was in error in assuming that he (Mr. Puleston) had said that the Government had arranged for relays of hon. Members to come down and relieve each other for the purpose of enabling the Committee to sit all through the night. He had never said anything of the kind. He had, as he had already explained privately to the hon. Member for Meath (Mr. Parnell), simply got up in his place, and stated that he, amongst others, had arranged to remain so as to insure

that a House should be kept for the conduct of Business, and that, having made that arrangement at great inconvenience to themselves, he hoped that the Leader of the House and others would enable them to carry out their object—that of making substantial progress with the Bill. That was the arrangement that had been entered into. There was no secret agreement of any sort. It was the desire of hon. Members on that side of the House, as well as on the other, that the Business of the House should be carried on, and he hoped that they would be allowed to attain that end to-night, so that no more of these exceptional Sittings would be required.

MAJOR NOLAN said, that he hoped that they were not going to have a repetition that night of the discreditable proceedings of 1877. He had been away from the Committee for the last three or four hours, and he sincerely regretted that he had left, because he should have wished to have argued the point as to the propriety of reporting Progress at a reasonable hour. That being Saturday night, he hoped that the Chancellor of the Exchequer would assent to the proposal for adjourning; for he, like the majority of people, was in the habit of making different arrangements on the Saturday from those of Monday, Tuesday, Thursday, and Friday, when he expected to be in the House until late. It was ridiculous for the hon. Member opposite (Mr. Puleston) to talk about relays of Members being brought there by the Government to enable the Committee to sit up all night.

MR. PULESTON said, he had already positively denied that he had made any such statement.

MAJOR NOLAN said, he was glad to hear the hon. Member say so. He hoped that the Government would not resort to any such practice. Two of the clauses which the right hon. Gentleman asked the Committee to pass in this hasty manner had been postponed, and he had several very important Amendments to propose on them; and he hoped that the Government were not going to try and force them through in a thin Committee. He asked the right hon. Gentleman to have some little mercy on hon. Members and on himself, on a Saturday night, and not to require them to sit to an unreasonable hour.

LORD EDMOND FITZMAURICE said, he was bound in fairness to the hon. and gallant Member who had just spoken (Major Nolan) to say that the remarks made by the hon. Member for Devonport (Mr. Puleston) did appear to hon. Members on that side of the House unfortunate, because they certainly were liable to be misunderstood. He did not himself understand the hon. Member for Devonport to say anything about relays of Members being brought down to the House.

MR. PULESTON said, that he had never used the word "relays."

LORD EDMOND FITZMAURICE said, he had not understood the hon. Member to use the word; but it was, nevertheless, just possible that some such construction might be placed upon the words he had used. Considering the hypercritical mode in which hon. Members opposite had treated the Amendments which had been proposed by hon. Members on that side of the House, he thought that they themselves should be somewhat guarded in the expressions they used. At the time the hon. Member made his remarks, he (Lord Edmond Fitzmaurice) had said to an hon. Friend near him that he expected that the right hon. Gentleman the Chancellor of the Exchequer would say—"Save me from my friends." The matter, however, had now been made clear by the statement of the hon. Member, and it ought to be accepted that the hon. Member did not intend to imply that the Government were prepared to force the Bill through by means of physical strength. That being so, hon. Members on that side of the House might consent to waive the point, and the painful impression which the language of the hon. Member for Devonport had left upon their minds having been removed he hoped that they might now get on with the Bill.

MR. RITCHIE said, that he desired to point out to the Committee that this Bill was a very urgent matter, inasmuch as he understood that the present Act expired about the 25th or 26th of this month, and that, therefore, it was absolutely necessary that either this or another Bill should become law before that time. The occasion, therefore, being urgent, hon. Members should agree to get on with the Bill until a reasonable hour for adjourning had arrived. He was satisfied that if substantial pro-

gress were made with the Bill the Government would have no desire to keep hon. Members in attendance beyond a reasonable hour. He, therefore, asked hon. Members opposite to assist the Committee in getting on with the Bill, so that they might dispose of at least some clauses, instead of wasting their time making Motions for the adjournment of the Committee. He might remind hon. Members opposite that they might just as well be discussing the provisions of the Bill as to spend time in wrangling over the hour for adjourning. If the Government desired to go on until a reasonable hour for adjourning had arrived, he was sure that the hon. Members around him would support them. In the circumstances of the case, the Government might have expected to have received some support from those who usually occupied the Front Bench on the Opposition side of the House; but he regretted to see that its sole occupant was the hon. Member for Dundee (Mr. E. Jenkins).

MR. SULLIVAN said, that he understood that the Government were willing to adjourn at a reasonable hour; but that the Chancellor of the Exchequer objected to fix any particular hour for adjourning, through fear that hon. Members who sat opposite to them might avail themselves of the opportunity of talking out the Bill. He was anxious to offer a suggestion to the Government which would prevent that course being adopted, and that was, that when a certain number of clauses had been passed the Committee should report Progress. He was in favour of making a sensible progress with the measure; and, therefore, he would repeat what he had said an hour or two ago to hon. Members who had moved to report Progress. He promised the hon. Member for Meath (Mr. Parnell) that if he would allow the discussion on the clauses to go on until a reasonable hour for adjourning had been reached, if there was any attempt on the part of the Government to force the Bill on beyond that time, he would vote with him to the last. Clause 141 was now under consideration, and if that clause and Clauses 142, 143, 144, 145, and 146 were disposed of, he should consider that reasonable progress had been made with the Bill on a Saturday Evening Sitting. He made the proposition in the hope

that both the Government and his hon. Friends would consider it a reasonable settlement of the dispute between them.

MR. BIGGAR said, that the right hon. Gentleman the Chancellor of the Exchequer did not appear disposed to come to any compromise on the question; and, therefore, he felt bound to state for the information of those hon. Members who had entered the House since the discussion had arisen how matters stood. The hon. Member for Meath (Mr. Parnell), who had sat in his place without intermission since the Chairman had taken the Chair, had moved to report Progress about a quarter past 7 o'clock. The hon. Member had very reasonably pointed out then that he was physically tired, and that the right hon. and gallant Gentleman in charge of the Bill was also very much exhausted by his labours, and that, therefore, it was only reasonable that Progress should be reported. But what was the answer of the right hon. Gentleman the Chancellor of the Exchequer to the proposal? He said that he would agree to report Progress when 24 clauses had been passed; and he more than insinuated that if those clauses were not agreed to he would withdraw that offer. In his (Mr. Biggar's) opinion, that offer could scarcely be regarded as being a very liberal one. With reference to the observation of the hon. Member for the Tower Hamlets (Mr. Ritchie), that this was a very urgent Bill, it appeared to him that it was far more important that a measure of this kind, which was permanently to supersede the existing law, should be a good and well-considered one, than that Parliament should be able to get through a large number of crude measures during the present Session. The practice of passing Bills hurriedly through the House led to an enormous waste of time, because some half-a-dozen Bills had afterwards to be brought in to amend and re-amend and to consolidate the first ill-considered measure; and thus the same thing had to be done over and over again, because it was deemed necessary to press Bills through that House as rapidly as possible. He submitted that any Bill that came before that House should be strictly and carefully examined from one end to the other, and then it would not require to be amended subsequently, and would not give rise to the unfortunate differences

of opinion which lawyers and Judges so frequently entertained with regard to the meaning of Acts of Parliament. The hon. Member for Tipperary (Mr. Gray) had adverted to the controversy which had arisen in that House with regard to the South African Bill. That measure had been pushed through that House by means of physical force, practically unexamined in its details, and the result was—the annexation of the Transvaal and the present Zulu War.

THE CHAIRMAN said, that he must remind the hon. Member for Cavan (Mr. Biggar) that the Question before the Committee was that Progress should be reported, and that, therefore, he would be out of Order in adverting to the state of affairs at the Cape.

MR. BIGGAR said, that he must respectfully submit to the Chairman that the subject to which he was adverting was one which had considerable bearing upon the Question before the Committee. It was perfectly indifferent to him to what time the Committee sat that night; but what he contended was, that the very fact that the Chairman had stopped him showed that he had been as long in the Chair as any Chairman should be asked to sit.

THE CHAIRMAN rose to interrupt the hon. Member.

MR. RITCHIE: Order, order!

SIR ALEXANDER GORDON said, he also rose to Order. Was the hon. Member in Order in making such a reflection as that upon the conduct of the Chairman?

THE CHANCELLOR OF THE EXCHEQUER said, that the language of the hon. Member, as he understood it, was unseemly, and did not appear to him to be such as the Committee ought to hear addressed to the Chairman, upon whose conduct and ability to be in the Chair it seemed to reflect. What he understood the hon. Member to have said was that, from his manner of conducting the Business of the Committee, it appeared that the Chairman had been long enough in the Chair. Language like that ought not to be addressed to the Chair; and, therefore, the expression ought to be withdrawn.

MR. BIGGAR said, that, of course, he was willing to withdraw any language that he had used which could be construed into a reflection upon the conduct of the Chairman.

SIR ALEXANDER GORDON rose to Order, and said, that the hon. Member should be called upon to withdraw the words he had used reflecting upon the Chair.

MR. PARNELL said, that the hon. Member had withdrawn the expression. He must protest against these attempts, on the part of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), to exercise terrorism over hon. Members. The hon. Member, he must repeat, had withdrawn the words. [An hon. MEMBER: He has not.]

LORD EDMOND FITZMAURICE rose to Order. Was the hon. Member for Meath justified in using the word "terrorize," as applied to the action of Members of the Committee?

THE CHAIRMAN said, that the word "terrorize" was not a proper one for the hon. Member for Meath to use towards any Member of the Committee, and, therefore, he should withdraw it.

MR. PARNELL said, certainly he would withdraw the word; only the word he had used was "terrorism," and not "terrorize. He wished, however, to point out to the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) that the hon. Member for Cavan County (Mr. Biggar) had distinctly withdrawn—[An hon. MEMBER: Disclaimed.] ["No, no!"]—the expression which had been objected to as being supposed to reflect upon the conduct of the hon. Gentleman in the Chair. [MR. ASSHETON CROSS: No!] He begged the right hon. Gentleman's pardon; but the hon. Member for Cavan County had distinctly withdrawn the expression.

THE CHAIRMAN said, he must point out to the hon. Member for Meath (Mr. Parnell) that he was not speaking to a question of Order, but to one of fact. The hon. Member for Cavan County (Mr. Biggar) had better speak to the question of fact, being best able to do so. He (the Chairman) had certainly not understood the hon. Member for Cavan County to withdraw the expression. He, therefore, thought it would be proper for him to state that he did so now.

MR. BIGGAR said, it appeared to him that the Committee were proving rather clearly that the time had arrived

when Progress should be reported. Several Members of the Committee—["Order, order!"]

THE CHAIRMAN said, that the hon. Member for Cavan County had used an expression to which exception had been taken by other hon. Members, on the ground that it reflected upon the Chair, and that the hon. Member had risen, he (the Chairman) understood, with the view to withdraw that expression. He thought, therefore, that the hon. Member, before he offered any further remarks, would see that it was only respectful to the Committee that he should withdraw the expression.

MR. BIGGAR said, that he freely withdrew any expression which could be supposed to reflect on the conduct of the Chair, although he really did not exactly recollect the words he was supposed to have used. The discussion, however, that had just taken place proved to him that certain hon. Members of the Committee were, from some cause or another, not in a fit state of mind to closely examine the details of this Bill. What he wished to point out to the Committee, with the leave of the hon. Gentleman in the Chair, was this—that the proceedings which had resulted from the South African Bill afforded an illustration of the dangers which often followed upon hasty legislation. They were now asked to pass 24 clauses of an important Bill, after the Committee had been sitting for nearly seven hours. He, therefore, felt bound to warn the Committee against hasty legislation, and he wished to illustrate his argument by showing what had been the result of the South African Bill. He did not wish to refer to the policy or impolicy of the Zulu War, much as he objected to it, because that must be argued on some future occasion by those who were more qualified than he was to speak upon it; but he wished to point out, with reference to the South Africa Bill, that a great many clauses—

MR. RITCHIE rose to Order. He wished to know whether the hon. Member for Cavan County was in Order in referring to affairs in South Africa after the ruling from the Chair?

THE CHAIRMAN said, that the point of Order to which he had thought it his duty to call the hon. Member for the County of Cavan's attention was that he was not entitled upon this question to deal with South African politics. He had

informed the hon. Member that he would be out of Order in adverting to that subject on the Motion for reporting Progress. He could not, however, say that the hon. Member was out of Order in referring to what had occurred during the passing of the South African Bill as a precedent.

MR. BIGGAR said, that his intention, in referring to the South African Bill, was merely to exemplify the evils of hasty and ill-considered legislation, and that he had no desire whatever to refer to South African politics on that occasion. There were other hon. Members who were far more competent to deal with South African politics than he was, and, therefore, he would not offer any remarks upon that subject; but, at the same time, he might go so far as to say that events which had recently occurred in South Africa had resulted mainly from the policy put forward in that Bill and confirmed by it. Had the arguments put forward at the time of the passing of that Bill by the hon. Member for Dungarvan (Mr. O'Donnell) been attended to and acted upon by the Government of the day, probably matters at the Cape would have been in a very different position from that in which they now stood. And yet Her Majesty's Government was now proposing to pursue precisely the same course with regard to the measure before the Committee as was adopted in reference to the South African Bill—namely, to force it through Committee as rapidly as possible. Thus, while only four or five clauses of the Bill had been got through in six or seven hours, while hon. Members were fresh to the work, the Government now asked them to pass some 24 clauses at the end of a prolonged Sitting. He did not know what was in those clauses, for he had not read them; but he was satisfied from the Amendments on them, which had been placed on the Paper, that there was a good deal of work to be done before they could be got through. It was then past 9 o'clock, and probably, if the clauses down to Clause 146 were passed, the Government would consider that 10 o'clock was a sufficiently late hour for the Committee to sit. But the proposition that they should take 20 additional clauses was a most unreasonable one; and he should not advise the hon. Member for Meath (Mr. Parnell), whose opinion on this

subject he valued so highly, to yield to what the Government proposed.

MR. ASSHETON CROSS said, that he had only one remark to make in reply to what had fallen from hon. Members opposite, and that was that this was not a question of hasty legislation at all, nor one upon which the opinion of the Committee had been invited by a Notice upon the Paper, but of proceeding with the consideration of the Bill. The right hon. Gentleman the Chancellor of the Exchequer, some two and a-half hours ago, adopting a suggestion which had come from the other side of the House, had said that he did not propose that the Committee should sit to an unreasonable hour, and that, under any circumstances, they should not go beyond the end of Part IV. What was the position of affairs at that moment? They were then on Clause 141, and, with reference to that clause, one Amendment only had been placed upon the Paper, which had been substantially accepted by the Government. This was not a question of passing 20 or 30 clauses, but whether the Committee should go on with the Bill, or should be compelled to listen to the same thing over and over again. He thought that the country would understand that four or five hon. Members said that, entirely contrary to the constantly expressed wish of an enormous majority of that Committee, they were determined that the Bill should not be proceeded further with that evening.

MR. HERSCHELL said, that he was sorry that the hon. Member for the Tower Hamlets (Mr. Ritchie) should have thought it necessary to make the reflection he had done upon the state of the Opposition Benches.

MR. RITCHIE said, that in making that reflection he had only been referring to the Front Bench.

MR. HERSCHELL said, that it scarcely came well from an hon. Member, whom he (Mr. Herschell) saw for the first time that evening, to make any such reflection upon the empty state of the front Opposition Bench. He himself had been there at considerable personal inconvenience, doing his best to assist in the passing of this measure, which, upon the whole, he believed to be a desirable one, in the interest of the public. As regarded sitting to an unreasonable hour, he had frequently formed one of a very small minority in favour of report-

ing Progress, when he felt that there was an undue attempt to force a measure on. It could not, therefore, be said that he was one of those who was afraid of being in a minority, or who desired always to act with the majority in unduly pressing forward a measure of this kind. He fully agreed that there were many cases in which, where a question of principle was involved, a minority was justified in using all the Forms of the House to enforce their views. There was only one occasion on which he had joined in sitting up to a very late hour, and then, certainly, he did sit up all night, and that was when he was assisting the majority of the Irish Members to pass a Bill which, it was said, had the approval of the Irish people generally. He, therefore, felt that, in these circumstances, he had a right to make an appeal to the Irish Members then present. There was, undoubtedly, a general desire to go on with the Bill to a reasonable hour, and when that hour arrived he would join them in moving that Progress should be reported. He had no doubt that the present discussion had originated in the fear that some sort of organized pressure was about to be brought to bear by the Government.

MR. PARNELL said, that that was certainly the case.

MR. HERSCHELL said, that, if when two or three hon. Members thought that the time had arrived when it was not desirable to proceed further, they adopted a course calculated to prevent the further progress of a Bill, the result would be that it would always be in the power of a very few Members to set at naught the wishes of the majority, which would be most inconvenient, and would greatly interfere with the transaction of the Business of that House. If that position of things was reversed, hon. Members below the Gangway would think that they were being hardly dealt with. He proposed that they should go on with the Bill, say, for an hour from that time, when he would join in the desire that Progress should be reported.

MAJOR NOLAN said, that the hon. and learned Member for Durham (Mr. Herschell) had put many matters before the Committee with his usual ability; but he had forgotten one very important one—namely, that this was Saturday, when working men were accustomed to have a holiday. He had himself worked

hard during the week, and he was anxious to obtain some little relaxation from his labours. There was, however, another point to which he desired to draw attention. There were 13 right hon. and hon. Gentlemen on the Treasury Bench, which was crammed to overflowing, so much so, that the Secretary to the Treasury was obliged to sit elsewhere, the Under Secretary of State for India was obliged to stand behind the Chair, and the Under Secretary of State for Foreign Affairs, finding no place for him in the House, thought it better to remain outside. Looking to that side of the House, what did they see? Why, there was not a single one of its usual occupants on the front Opposition Bench, the only hon. Members on it being the hon. Member for Meath (Mr. Parnell) and another hon. Member. Was that a fair state of things? Did not the state of the front Opposition Bench indicate that the Sitting was an exceptional one? Why had the Government fixed upon Saturday for taking the Bill? For the last 14 or 15 years there had not been a real Saturday Sitting. During the whole of that Parliament no Saturday's Sitting had lasted beyond 12 or 1 o'clock, and he believed that Saturday Sittings were unknown during the previous Parliament. How could the right hon. Gentleman the Chancellor of the Exchequer feel himself justified in pressing any important principle involved by the Bill, when the Leaders of half the country were conspicuous by their absence? He believed that the course adopted by the Government with regard to the South African Bill had inspired the officials in all parts of the Empire with undue confidence, and had resulted in war. He was afraid that the course which the Government were now taking with regard to this measure would inspire those who were the heads of the administration of the Army with undue confidence, and that the result would be much to be regretted. He had objected very strongly to the Bill when it was first introduced; but he was now beginning actually to have an affection for it, it having been so much improved by the Amendments which had been introduced into it by his hon. Friends below the Gangway. But if the Government intended to force the Bill through, it would be perfectly impossible for himself and his hon. Friends to contend against

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them; they were too strong for them. If the usual occupants of the front Opposition Bench were staying away because they did not know that there was to be a prolonged Sitting of the House on the Saturday, it was deplorable; but if they did know it, and remained away in the face of that knowledge, it was still more deplorable. He wished that the Government would make some reasonable proposal as to the number of clauses which they would be content to pass; but as to taking all the clauses down to Clause 165, that was rather too strong a proposal. An hon. Member had suggested that they should stop at Clause 149, because there was an important Amendment to be proposed in Clause 150. He (Major Nolan) thought that something between Clause 146 and 149 would be a satisfactory compromise.

MR. J. COWEN said, that he entirely sympathized with what had fallen from the hon. and learned Member for Durham (Mr. Herschell), and he would appeal to hon. Members to cease this needless talk. If any principle were at stake, he could understand the opposition that was offered to the measure; but, really, there was no principle whatever at stake on that occasion. It was only fair to state, after the observations that had fallen from hon. Members on that side of the House, that it appeared to him that, instead of endeavouring to get the Bill through by the use of physical force, the Government appeared to have submitted it to the Committee in perfect good faith. This really was not a measure of the Government, but of the House itself, brought in for the purpose of improving the regulations of the Army. The Bill, indeed, had originated in the remarks of the hon. Member for Meath (Mr. Parnell) with regard to the Mutiny Bill; and, therefore, instead of opposing it, that hon. Member should have struggled to get it passed, in order to put an end to the objectionable parts of the Mutiny Bill which he himself had condemned. In his opinion, a very unnecessary resistance had been offered to the proposal of the Government that they should progress with the Bill up to a point where substantial opposition would arise. He would appeal to hon. Members not to continue their minute and tedious criticism of the Bill, and to allow the will of the majority to prevail. If the rights of the minority

were to be continued to be respected, the rights of the majority must receive equal consideration.

MR. MONK said, that since he had had the honour of having a seat in that House he had never heard such sheer and absolute nonsense as that which had been uttered by the hon. and gallant Member for Galway (Major Nolan).

MR. CALLAN said, he rose to Order. Had the hon. Member for Gloucester (Mr. Monk) a right to say of the hon. and gallant Gentleman (Major Nolan) that he had addressed "sheer and absolute nonsense" to the Committee?

THE CHAIRMAN said, that the hon. Member for Gloucester (Mr. Monk) had expressed the opinion he had formed of the remarks of the hon. and gallant Member for Galway (Major Nolan) in rather strong and in rather unusual language; but he could not say that the language of the hon. Member exceeded the limits of Parliamentary debate.

MR. MONK said, that the hon. and gallant Gentleman the Member for Galway (Major Nolan) had spoken of the conduct of the Government as an endeavour to intimidate that side of the House.

MAJOR NOLAN said, he rose to Order. He wished to ask when he had used such an expression, which he did not remember having uttered?

THE CHAIRMAN said, that the hon. and gallant Member for Galway (Major Nolan) could not rise to Order on a question of fact.

MR. MONK said, that the hon. and gallant Member had pointed to the fact that the Treasury Bench was full, whilst the front Opposition Bench was empty; but that was the natural consequence of some four or five hon. Members announcing that they would avail themselves of all the Forms of the House for preventing the further progress of the measure that night. Many hon. Members on that side of the House were unwilling to allow a few hon. Members to make use of such threats for the purpose of intimidating the House.

MR. PARNELL said, that he rose to Order. He wished to know whether the hon. Member for Gloucester (Mr. Monk) was entitled to charge hon. Members with attempting to intimidate the House?

THE CHAIRMAN said, that the hon. Member for Gloucester (Mr. Monk) would at once see that he was not in Order in making use of the expression.

MR. MONK said, that he at once withdrew the word "intimidating." But when hon. Members said that they intended to use all the Forms of the House with the object of stopping the further progress of the measure that night, it seemed to him something approaching intimidation. If the Forms of the House were to be used in that manner, it would be utterly impossible for legislation to go on. He thought that England, Scotland, and Ireland would want to know why the House of Commons was to be prevented from continuing the legislation of the country. The absence of the Leaders of the Opposition had been referred to; but he begged to state that there were a sufficient number of Liberal Members present, who were prepared to support a Conservative Government in carrying on the Business of that House—[*Cheers and counter-cheers*—]—aye, and they were ready to stay to any hour of the night, or even, if necessary, of the morning, in order to support that Conservative Government when, in their opinion, that Government was doing its duty to the country. He protested altogether against the hon. Member for Meath (Mr. Parnell), and the hon. and gallant Member for Galway (Major Nolan) attempting to dictate to the House at what time they should rise, or whether the Committee should go through three, or four, or five clauses of the Bill. For his own part, he should prefer to follow the advice of the authorities who had charge of the Bill.

MAJOR NOLAN said, that it was always unpleasant to be attacked once by an hon. Member; but it was rather pleasant to be attacked twice. He recollected that when the South African Bill was under discussion—he was not ashamed of that measure, although hon. Members opposite did not appear to be very proud of it—he had been attacked by the hon. Member (Mr. Monk) with all the bitterness of which he was master. When the hon. Member attacked him the second time it must be put down to political differences, and he was glad to say that he differed from the hon. Member on general politics as much as possible. The hon. Member appeared to think that hon. Members below the

Gangway should act in the same way, whether the front Benches were full or empty. When their proceedings had arrived at such a stage that the hon. and gallant Admiral behind the Treasury Bench (Sir William Edmonstone) yawned, it was clear that the time had arrived when they should adjourn. He wished again to remind the Government that, in consequence of previous hasty legislation, the country had been put to the expense of many millions of money, which would have been saved had the arguments of the Opposition been listened to.

MR. BIGGAR said, the hon. Member for Newcastle (Mr. J. Cowen) had kindly given them his opinion, when, unfortunately, he was not present during the discussion, and, therefore, did not thoroughly know the facts. What had happened? The Chancellor of the Exchequer asked to have a certain number of clauses passed, or that the Committee should sit until a certain hour. [The CHANCELLOR of the EXCHEQUER: I did nothing of the sort.] He (Mr. Biggar) would not contradict the right hon. Gentleman; but the Secretary of State for the Home Department certainly said that they must work until a reasonable time, meaning 11, or 12, or 1, or 24 clauses. That was rather a Jewish bargain. His hon. Friend the Member for Meath (Mr. Parnell), who, it must be remembered, had been in the House the whole of the day since half-past 1, had offered to go up to Clause 146. They were told there were no Amendments on the rest of that Part IV.; but he (Mr. Biggar) knew of some important Amendments to Clause 150 to be proposed by his hon. and gallant Friend the Member for Leitrim (Major O'Beirne). Besides, there might be many important Amendments of which Notice was not on the Paper. He never offered advice, because it was always considered a thing of no value; but he did think it was not in the interests of Public Business that clauses should be passed through Committee without examination.

THE CHANCELLOR of the EXCHEQUER wished to correct one of the statements the hon. Member had just made. At 7 o'clock a conversation arose as to whether the Committee should proceed or not; and he himself, then speaking in very general terms, said he thought the Committee had better go on to a reason-

able hour. He declined to name any hour. Then the hon. and gallant Gentleman the Member for Bath (Sir Arthur Hayter) suggested that they should go to the end of Part IV., and that proposition was accepted by the Government, on condition that they went on at once. On that proposition the conversation ensued which had lasted to the present time, very nearly three hours. He never asked the Committee to sit to an unreasonable hour, and Part IV. certainly could have been completed in half-an-hour or so, certainly long before the time which they had now reached. He merely would ask the Committee whether they had not now had sufficient amusement, and whether they would not now go on with the few clauses? It must be remembered that it was not the pleasure of the Government that they should go on in this way. It was no pleasure to them to sit on a Saturday, and they knew that hon. Members sat at great inconvenience. They had much better go on, without saying how long they would sit, or at what particular clause they should stop.

MR. W. E. FORSTER said, he had just come to the House, having found to his surprise that the light in the Clock Tower was still burning. Seeing that, he took it for granted that something important was going on, and holding it his duty to be present he accordingly came to take part in the discussion. He found, however, that the subject in dispute was whether the Committee should sit for one or two hours longer on Saturday or not. He agreed that it was not a convenient thing to sit on a Saturday at all; and they only did so because it was of public importance that they should get on with this Bill. It raised several questions of high interest, and he was glad to say that they were in a more satisfactory position in regard to them than at the beginning of the day. But it seemed to him almost absurd to meet on Saturday and not to try to do Business. Now, as he had said, the real question they were discussing at present was, whether they should sit an hour or two longer or not. There was, he was sorry to hear, an hon. Member absent who had an important Amendment to propose. But he suggested whether that hon. Member's opinions might not be represented by his Friends, so as to allow them to proceed. But what they had really to consider was how they

were going to get through the Business. That was a matter of vital importance. There were only three or four Amendments on the Paper in Part IV., which he understood were accepted by the Government, and then they got to the Part where it was proposed they should leave off. Hon. Members must remember that they might discuss amongst themselves whether they were right or wrong, and he would not say which was which; but he would point out that the country was forming an opinion about the House which was exceedingly unpleasant. They were beginning to institute comparisons between what went on at Westminster and what went on at Versailles, and he did not like those comparisons. Hon. Gentlemen ought to recollect that the House of Commons was the greatest Representative and Parliamentary Assembly which had ever existed. They had a very high character to maintain, and he not consider they would act quite consistently with that character if they thought that when they met on a particular day it was important to discuss at great length the question whether they should sit half-an-hour or, perhaps, two or three hours longer before the Sitting was suspended.

MR. PARNELL said, the suggestion now made by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), that they should go on until they came to important Amendments, was one to which he had assented a long time ago. He would make no bargain with Government whatever. He would remind the Committee that when there was a proposition that they should go on until they came to a certain clause which they intended to dispute he had risen to support it. At the time he was not sufficiently fortunate to catch the Chairman's eye, and the temper of the Committee had not reached the point which it afterwards attained. He then suggested that they should go on as far as Clause 146, although there were some debatable points between the point where they then were and that clause. He was willing to do so still. After that he would ask that Progress should be reported, as he hoped to make some important alterations on Clause 147. He would like to say a word in reply to his hon. Friend the Member for Newcastle (Mr. J. Cowen), whose opinion he always valued. He had rather chided them for the

course they had taken. But he (Mr. Parnell) would remind the Committee that neither the hon. Member for Newcastle nor the right hon. Gentleman who had just spoken had been present until quite lately, and did not know what had taken place. He might now repeat, for the benefit of the hon. Gentleman, that they had expressed their willingness to go as far as 147 at a quarter past 7. They had even offered to go on until then, if the Government desired it; but the Chancellor of the Exchequer said—"No, we shall go on till 11 or 12, or as soon as we come to Clause 165 we shall consider whether we have done enough." Now, that he (Mr. Parnell) did not think right; after they had sat on Saturday for a greater number of hours than they had ever before sat on a Saturday, he did not think it reasonable to ask them to treat that day as an ordinary week-day, and as if they had met at a quarter-past 4, instead of half-past 1. Let them look at the work that had been done. As to all this talk by the right hon. Gentleman the Secretary of State for the Home Department, he (Mr. Parnell) did not know whether "contemptible" was a Parliamentary word, and, therefore, he would not use it; but it certainly was utter nonsense for the right hon. Gentleman to talk of a small minority being opposed to a vast majority. Their (the Irish) Party consisted of 60 or 70 Members, of whom they had 10 present; while, with all their vast majority, forsooth, the Government had only between 60 or 70, so that there was just as good a proportion of one Party as of the other, and that being so the right hon. Gentleman need not talk about his "vast majority." What had this small and insignificant minority done? Had it not compelled the vast majority, over and over again, to admit that they were wrong—that was, the small and insignificant minority, by insisting upon what they knew to be right and just, had beaten this great Conservative Party with its following of Members who would go into the Lobby without knowing anything about the question, who would fight as blindly as any Party ever fought in that or any other age? They might talk about the character of the House of Commons as much as they pleased. Was there ever, he would repeat, any Party in any Legislative Assembly which ever voted

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so blindly as the present majority of the Government. He (Mr. Parnell) and his small and insignificant minority, had shown to the whole country that that majority, with its opinions, was not worth a farthing, while they had been repeatedly forced to admit that they had been wrong, and that they had been wasting the public time. They had held out against their own convictions; against every dictate of reason, of common sense, and justice; and only when they had been driven back, only when they could hold out no longer against the force of public opinion, had they admitted that they were wrong. That was the worth of their great Conservative majority.

MR. CALLAN thought a great deal of this unseemly altercation might have been avoided. Only one thing had led to more disorder and altercation than even the action of the right hon. Gentleman the Chancellor of the Exchequer, and that was the conduct of one who, placed in a position of authority in the House, had allowed un-Parliamentary language to be used. When he (Mr. Callan) entered the House, he heard the words "sheer nonsense."—[MR. PARNELL: Utter nonsense.]—Yes, "utter nonsense," applied with reference to what had been said by an Irish Member. When the Chairman had been called upon to decide upon it, he had ruled that the hon. Member was not out of Order in using it. The result was, that they had heard the same phrase applied to one of the Leaders of the House. Thus they had seen the Chairman, sitting calmly and judiciously in the Chair, and allowing, without the smallest sign of objection on his part, language to be used, which, when he was called upon to decide, in the case of the Leader referred to, he was forced to admit was un-Parliamentary and should have been withdrawn. There was a feeling amongst his Friends that fair play was not administered—[Cries of "No, no!" and interruption.] If you will allow me to conclude my sentence—

SIR UGHTRED KAY-SHUTTLEWORTH rose to Order. He submitted that if a question was to be raised respecting the conduct of the Chairman it must be heard with Mr. Speaker in the Chair.

THE CHAIRMAN: I must say that the observations of the hon. Member for

Dundalk (Mr. Callan), as far as they apply to myself, are such as I should naturally be reluctant to impugn; but I must point out to the Committee that it will be impossible, either for myself or for any other Member of this House, to discharge the duties imposed upon them by the House, if such a direct attack can be made upon the fairness of his conduct, without being noticed and dealt with by the Committee or by the House.

MR. CALLAN: Excuse my interrupting you, Sir. On Thursday night, we had an example of the disadvantage of interrupting a Member in the middle of a sentence. ["Order, order!"]

THE CHAIRMAN: I must point out to the hon. Member for Dundalk that my attention has been particularly directed to the observation which he has used, charging me, in direct terms, with not giving fair play. ["No, no!" "Order, order!"] I, in reply to the inquiry of the hon. Baronet (Sir Ughtred Kay-Shuttleworth), pointed out to the Committee my opinion with regard to that phrase? I have left it to the Committee to pronounce what course they think proper to take with regard to the expression used.

MR. CALLAN: I beg pardon; I was interrupted in a sentence. The language I used, and the words "fair play," were not intended to apply to you, Sir, but to our treatment by the Government. I did not intend to apply to you, and had I done so I would fearlessly avow it, and, if necessary, defend it. The language I used was applied to Her Majesty's Government—that fair play did not seem to be administered by that side of the House to hon. Gentlemen sitting on this side. If you wish to take down the words, so that their accuracy may be unquestioned, I will write them for you.

THE CHANCELLOR OF THE EXCHEQUER: I rise to Order. I understand the hon. Gentleman to be rising for the purpose of withdrawing or explaining the words that had been objected to. I did not myself precisely catch what the words were; but I understand them to have been to this effect—that the charge upon the Chair—["No, no! On the Government."]—Very well, then, instead of interrupting me, if the hon. Gentleman will rise, and say that he did not charge the Chair—[MR. PARNELL: He has said so.]—or did not intend to

impute to the Chair any unfairness—[MR. PARNELL: He has said so already.]

—I imagine we shall be satisfied; but I understand the general tenour of the hon. Gentleman's observations to be a complaint against the fairness of the Chair.—["No, no!"]—[MR. PARNELL: Against your fairness, not of the Chair.] If that is distinctly understood, my objection falls to the ground. Any charge against the Government is one thing, as to which we are not surprised; but it is impossible that we should allow the position of our Chairman to remain impugned by any hon. Member without a distinct disclaimer from that Member. As regards ourselves, we are quite content to leave our conduct to the opinion of the Committee.

MR. CALLAN: I decline to be lectured by the Chancellor of the Exchequer into any course of procedure that I myself may not think fit to adopt.

MR. PARNELL: I rise to Order. The Chancellor of the Exchequer has spoken on the point of Order, and I think that other hon. Members in this House are also entitled to speak on the point of Order. I distinctly heard the hon. Member for Dundalk (Mr. Callan). The Chancellor of the Exchequer did not hear him. He admits that he did not hear, and yet he calls upon the hon. Member to disclaim doing that which he has never done. What were the words of the hon. Member for Dundalk, when he was interrupted in the middle of his sentence? His words were these—"that fair play was not administered." When he had got as far as that, he was interrupted at once by the hon. Member—[*Loud and continued interruption.*]—Now, I shall recommend hon. Members of the Committee to take the advice offered to them the other evening by the right hon. Member for Birmingham (Mr. John Bright), to have a little patience, and not to interrupt a Member—even although he is a poor Irish Member, who can, perhaps, be easily trampled upon—in the middle of his sentence. This will save a good deal of time and trouble. The hon. Member for Dundalk, in this case, was saying that "fair play was not being administered;" and the conclusion of his sentence would have been "by the Government."

MR. RITCHIE thought the hon. Member for Meath (Mr. Parnell) had quoted words to which exception had not been

taken. What he (Mr. Ritchie) understood the hon. Member for Dundalk to say, with reference to the Chairman's conduct in the Chair, was that he came into the House and heard language used by hon. Members of that House that was altogether un-Parliamentary, without being called to Order.

MR. O'DONNELL rose to Order also. He had, in the first place, to say that he was quite satisfied that the observations of the hon. Member for Dundalk (Mr. Callan) were not addressed to the Chairman's conduct in, or management of, the Chair. Had there been any reason to find fault with that conduct, the Constitutional course for bringing that conduct before the proper authority would have been fearlessly adopted. But his hon. Friend had no reason to take exception to the Chairman's conduct, and all the attempts of hon. and right hon. Members to throw them aside from the path of Order would utterly fail. They were quite satisfied with the Chairman's ruling, and the only thing that ever tended to weaken his authority was that his rulings were ingeniously misrepresented by the right hon. Baronet the Leader of the House. He (Mr. O'Donnell) ventured to suggest that there should be no further reference to words that were not taken down immediately on their being uttered—that being the Rule of the House. The only question in dispute was that with regard to the Chairman's ruling, and it arose out of a misconception. There was no objection to that ruling. He suggested, therefore, that the question of Order should be let alone, and that the clauses should be proceeded with. A little Business might be proceeded with. Let there be no further waste of time in recrimination.

Motion and Amendment severally *negatived*.

Clause *agreed to*.

Clause 142 (Constitution and proceedings of military court of requests) *agreed to*.

Clause 143 (Execution of judgment of military court of requests).

MR. PARNELL said, he wished the Committee to understand that he was not moving Amendments to these clauses, because he felt that it would be quite useless to do so.

Clause *agreed to*.

Mr. Ritchie

Clause 144 (Courts of small causes and civil courts in India) *agreed to*.

Legal Penalties in Matters respecting Forces.

Clause 145 (Punishment for pretending to be a deserter).

SIR ARTHUR HAYTER moved, as an Amendment, in page 78, line 28, to leave out the words "or absentee without leave."

MAJOR NOLAN asked for some explanation of the Amendment.

THE CHAIRMAN explained that the Amendment proposed affected the 145th clause, page 78, line 28.

MAJOR NOLAN said, it was not on the Paper, and its effect ought to be explained by the hon. Member.

SIR ARTHUR HAYTER said, his Amendment would restore the law to its present position with regard to absentees without leave.

MAJOR NOLAN agreed with the Amendment; but explained that he felt it necessary to be cautious in allowing Amendments not on the Paper to pass. He had feared that its object was one of an opposite tendency.

Amendment *agreed to*; words *struck out* accordingly.

SIR ARTHUR HAYTER moved, as an Amendment, in page 78, to leave out all the words after the word "months," in line 30, down to the end of the clause.

Amendment *agreed to*; words *struck out* accordingly.

Clause, as amended, *agreed to*.

Clause 146 (Punishment for inducing soldiers to desert).

MR. O'DONNELL moved, as an Amendment, to omit, in page 79, line 6, the words "directly or indirectly." The clause contained a severe penalty, which might be imposed on almost anybody by stretching the application of these words.

Amendment *agreed to*; words *struck out* accordingly.

SIR ARTHUR HAYTER moved, as an Amendment, the omission from subsection 1, lines 7 and 8, of the words "or absent himself without leave."

Amendment *agreed to*; words *struck out* accordingly.

SIR ARTHUR HAYTER moved, as an Amendment, the omission from subsection 3, lines 32 and 33, of the words "or absentee without leave."

Amendment agreed to; words struck out accordingly.

Clause, as amended, agreed to.

Clause 147 (Apprehension of deserters or absentees without leave).

SIR ARTHUR HAYTER moved, as an Amendment, to omit from page 79, line 17, the words "or absentees without leave."

Amendment agreed to; words struck out accordingly.

MR. PARNELL hoped the Chancellor of the Exchequer would now agree to report Progress. This was a very important clause. It would be necessary to ask the Government to make considerable alterations in the clause. He moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Parnell.)

COLONEL STANLEY protested against such a proceeding at a time when there were no disputed Amendments, and hoped the Committee would proceed. The Committee would be perfectly willing to consider the Amendments of the hon. Gentleman, although they were not on the Paper, if he would explain them.

MR. O'DONNELL thought fair progress had been made to-day—a progress not to be counted by the number of clauses only, for a foundation had been laid for future progress, by means of an agreement on the most contentious parts of the Bill. There would now be a disposition to treat the subject of flogging as calmly as possible next week, and with the desire to come to terms regarding it. There were important Amendments to this clause, and he was certain that to proceed with them now would not be fair. If the Government had given warning that they were going to have anything like a late Sitting, their Friends might have been fairly consulted as to the support they were prepared to give to those Amendments; but the position in which the Government had placed some hon. Members, by

threatening an all night Sitting, had come upon them by surprise, and completely upset all their arrangements. That was not calculated to save time; because there were quite enough of his Friends in the House to prevent any progress, although not enough to secure what they desired: but they did not wish to be guided by a consideration of the position from that point of view, but by the consideration of the support which they wished their Amendments to receive. A number of hon. Members, who would, undoubtedly, support some of their Amendments, were not present, having had no notice as to the length of the Sitting. It was all very well for the Government to speak of the exigencies of Public Business. Bandyings were not Public Business; and a Bill that there was not the opportunity of fairly amending was not to be considered a good Bill. Let the Government weigh their responsibility, and consider whether they were prepared to force on a Bill at such an hour, without due notice to the body of the House. This threat of the Government to resort to physical force, without giving Notice of their intention, must materially injure the progress of Public Business. The Government was attempting to bring pressure to bear on the Committee, and for that purpose they had evidently taken into their confidence a number of hon. Members of their own Party, and, perhaps, some of the more subservient Members of the Opposition. [*Cries of "Order!" and "Withdraw!"*]

THE CHAIRMAN: Such language cannot be permitted. The hon. Member will see that it is not respectful to the Committee to speak of any of its Members as "subservient."

MR. O'DONNELL said, he would withdraw the words "more subservient," and substitute "more facile," "more disposed to listen to the powers that be," or anything of that sort. But the Government had kept back their intention from the majority of the Committee, and that reduced the legislation by Parliament by deliberation to legislation by previous confederacy. That, he submitted, amounted to a confederacy against the liberties of the individual Members.

EARL PERCY: Mr. Chairman, I rise to Order. The hon. Member for Dungarvan (Mr. O'Donnell) has used

words to the effect that certain Members of this Committee are more subservient than others, and you have ruled that those words are out of Order. I ask you, whether he has withdrawn those words, or whether he has not?

THE CHAIRMAN: I understood the hon. Member to withdraw them.

MR. O'DONNELL: I substituted other words. ["Withdraw, withdraw!"] I have already withdrawn them; and I think that the right hon. Gentleman the Chancellor of the Exchequer, when he brings his faithful followers down, might, at least, induce them to listen to what is going on in the Committee. I might have concluded by this time; but they, apparently, neither listen to your ruling, Sir, nor to what I am saying. They might keep their eyes on the Chair, and, when they see the Chairman is well satisfied, rest content. It is nothing short of being disrespectful to the Chair to be continually lecturing the Chairman on this, that, or the other. I think our respected Chairman is quite able to take care of the Order of this Committee, without being continually lectured on his duties, and appealed to by the professional conversationalists below the Gangway. Some compact appears to have been entered into that has not been communicated to the general body of the Committee.

MR. ASSHETON CROSS: I only want to make one observation to hon. Members. At present we are settling nothing. The hon. Member for Meath (Mr. Parnell) says he has certain Amendments to propose in the clause. It may very likely be that his Amendments may be accepted by the Government. He has given us no Notice of them; and I presume, therefore, that something has struck him now that has not struck him before. If it had struck him before, it would have been only fair to the Committee to have put it on the Paper. If not, the Committee should, at all events, know what it is before he asks us to report Progress. It is quite clear that, at this time of night, there can be no long discussion; but if it is not a very important matter, we might be able to deal with the proposed Amendments at once.

MR. SULLIVAN said, he had previously appealed to the hon. Member for Meath (Mr. Parnell) to allow substantial progress to be made, on the

understanding that if any attempt were made to detain Members an unduly long time, he would afterwards join him in resisting that attempt. Substantial progress had since been made, and now he was ready to join his hon. Friend in the most strenuous and protracted resistance to what was unreasonable. It was nearly 11 o'clock on Saturday night, and it was unreasonable either to ask anyone to state his Amendments, or to propose to go forward. He hoped there would be no attempt, by physical force, to keep hon. Members sitting.

LORD EDMOND FITZMAURICE said, he opposed the former Motion for reporting Progress; but there was certainly a difference between 7 o'clock and 11. He did not understand the Secretary of State for the Home Department to offer any determined opposition to the Motion for reporting Progress, but merely to suggest that the Amendments should be stated. It was rather extraordinary that, having studied the Bill as he had done, the hon. Member for Meath (Mr. Parnell) should not be able to state to the Committee the Amendments he wished to put. Perhaps, however, he wished to draft his Amendments very carefully; and it was the duty of the Committee to give the hon. Member the benefit of the doubt. He hoped, therefore, that the Chancellor of the Exchequer, having substantially carried his point that Progress should be made, would now consent to the Motion.

MR. CALLAN said, he had a proposition to make with regard to the Amendments on the clause. Those Amendments raised serious questions. If the right hon. and gallant Gentleman the Secretary of State for War would consent to the postponement of the clause, upon which the Secretary of State for the Home Department had an Amendment which would cause a long discussion, he (Mr. Callan) and his Friends would not object to Clauses 148, 149, and 150 being proceeded with, provided that after Clause 150 had been agreed to Progress should be reported. He hoped the Government Bench would not refuse to accept this reasonable proposition.

MR. GRAY said, that was an admirable suggestion; but there was this against it—that there was an important Amendment on the Paper on Clause 150, and the hon. and gallant Member (Major O'Beirne), in whose name it

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appeared, was not present. He (Mr. Gray) did not think, under these circumstances, that the clause ought to pass *sub silentio*.

THE CHANCELLOR OF THE EXCHEQUER said, the Government were willing to consider the suggestion which had been thrown out; but there was a technical difficulty in the way. The clause had been amended, and, therefore, it could not be postponed. The Government were not anxious to keep the Committee sitting into Sunday; but what he would ask of the hon. Member for Meath (Mr. Parnell) was, that he should comply with the rather reasonable request which had been made, to tell the Committee what the Amendment was that he proposed to move. If he would do that, they should know what they were doing.

MR. PARNELL said, he thought that was very reasonable, and he had not the slightest objection to comply. Indeed, he must apologize for not having put his Amendment on the Paper; but it must be remembered that the Bill had been taken very quickly through the Committee. Consequently, those who had taken an active part in the Committee, as he had done, had not been able to draft all their Amendments. There was a vagueness about the words "reasonable suspicion," in the first place, which he desired to see corrected; and, next, he should like to leave out the words "any officer, or soldier, or other person," in line 22. That was a matter of some importance; for, in his opinion, it was the duty of the police constable to make these arrests. But he did not now wish to argue the Amendment; he merely wished to indicate his objections.

COLONEL STANLEY said, he thought the clause was not too strongly drawn. Did the hon. Member for Meath (Mr. Parnell) deliberately mean to put the proposition before the Committee that if an officer or a soldier of a regiment met a man belonging to the same regiment, knowing him to be a deserter, he should take no step to arrest such deserter? Was such a proposition conceivable? He asked the hon. Member to pause before he advanced it. Seeing what proportion the crime of desertion held among military offences, he (Colonel Stanley) could not see that there was anything unreasonable in the clause, unless objection should be taken to the words "if absent without leave."

MR. O'DONNELL said, the matter was not so simple as the right hon. and gallant Gentleman seemed to think. It was a great thing to give to an ordinary soldier the power of arresting any man whom he suspected of being a deserter. A deserter was supposed to be a tolerably desperate sort of person, and the clause would offer the provocation to a deserter to put out of the way a soldier who was attempting to arrest him. If, on the other hand, they were to make a provision that the arrest was only to take place in the presence of a constable, they would bring in the direct influence of the law to bear on the arrest, and that was a very different thing. To allow an arrest to take place when it was only man against man would encourage to rioting, and such power had often led to deplorable consequences. The power of making arrests ought to be jealously guarded; and he could see many reasons why the provisions suggested by the Secretary of State for War should be carefully surrounded with safeguards.

MAJOR NOLAN said, that in the matter in question the old Act was better drawn; it said "a constable, soldier, or other person," and he did not see any reason why it should not be so, instead of specific mention being made of "officer." But he objected to the way in which the whole clause was drawn, and the clause, as a whole, required careful consideration. A constable could be trusted in the ordinary administration of the law; but there was a money reward for the apprehension of a deserter, and that introduced a difficulty. The clause greatly extended the old power, because of the words "absentee without leave," which ran through the clause; and when these words were struck out in one part, the whole clause required to be re-modelled. The loss of time in this discussion was really to be laid to the charge of those who allowed a very objectionable provision to run through the whole clause. He thought the Amendment of the hon. Member for Meath (Mr. Parnell) was an important one. Of course, the money reward would make no difference to an officer; but it was a different matter to offer a soldier 40s. for arresting another soldier for being an absentee without leave. The Secretary of State for War ought to state whether he proposed to strike out those words, which he had

struck out in one place, all through the clauses. If the words "absentee without leave" were retained at all, any soldier who was a mile or two from barracks would be at the mercy of every constable he met. He thought the right hon. and gallant Gentleman should be afforded an opportunity of re-modelling the clause.

MR. W. E. FORSTER said, he understood that the question before the Committee was that of reporting Progress. He did not know what the Government would consider a suitable hour; but he thought it was now time that Progress should be reported. Some general remarks had been made as to sitting up all night; but he did not suppose that there was any intention to do that. He could understand that the Government wished to make substantial progress with the Bill, and he was not surprised that the Government should have expected to get this clause passed, and also one or two other clauses, because no Amendments had been put on the Paper. He hoped hon. Members below the Gangway would excuse him if he made a remark on this point. He had not much knowledge with regard to the military details of the Bill, but he had had some little experience with regard to passing Bills through the House; and he did not think that, up to the present time, it had been a very usual thing to occupy the time of debate much with Amendments which were not on the Paper. The Government, when it was a question of getting on with the Business, and when a Bill had been so long before the House as this one, and had been so effectively considered as this had been—by the hon. Member for Meath (Mr. Parnell) himself, for instance—had almost a right to ask that the Amendments should be put on the Paper. Neither was it quite fair to the Committee that they should not have the Amendments before them. But he thought the Government might be content with what they had done that day, seeing that there would be a good deal of discussion, and that it was now too late an hour to go on. Much real progress had been made, and hon. Members who wished to amend the Bill might consider by Monday what Amendments they would put on the Paper.

COLONEL ARBUTHNOT said, he thought the Amendments of the hon. Member for Meath (Mr. Parnell) were

not of very great importance. He would, therefore, suggest that they might stand over until Report, and that the clause might be passed, together with the other clauses, to which the hon. Member for Dundalk (Mr. Callan) had said there would be no objection. The Government might then, he thought, be willing to report Progress.

COLONEL STANLEY said, he had been about to rise to make a similar proposal. So far as he could judge, he thought the words "absentee without leave" might come out consequentially, and the clause would then be precisely the same as that which had been administered for many years. The clause could not be postponed, because it had been amended; but if the Committee would pass the clause, he thought Clauses 148 and 149 might also be agreed to, and then there would be no objection to reporting Progress. He thought that was a fair proposition to make.

SIR GEORGE CAMPBELL said, he should not oppose the suggestion if they were likely to make considerable progress; but Clause 148 was one as to which there was some difference of opinion, and it was to carry into effect important details with regard to the abolition of purchase.

MR. PARNELL said that, of course, in the opinion of the hon. and gallant Member for Hereford (Colonel Arbuthnot), no Amendment which he (Mr. Parnell) could offer was worthy of consideration. He never yet knew a Cabinet Minister who did not attempt to amend the Bill he had in charge. He quite admitted the force of the observations of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), and he assured the Committee that he had striven very hard to put his Amendments on the Paper; but, owing to the protracted Morning Sitzings, the only day which he had had for that purpose was the previous Sunday. He had been hardly worked, night and day, ever since. He had thought to have a chance of drafting some Amendments that day for Monday; but here he was again detained all day in the House. He regretted that he should be obliged again on Monday to move Amendments not on the Paper; he had hoped that, by working on Sunday, he should have a sufficient number drawn to get over Tuesday: but the Bill was really going

n so fast that it was extremely difficult to keep up with the Government. He thought that the Secretary of State for War was treating him rather cavalierly, as he had other Amendments on the same clause. It was unreasonable to ask the Committee to go on further at present. He had submitted his objection to the clause, and he did not intend to argue it, lest he might be pounced upon by the Chancellor of the Exchequer, and have his words taken down.

MR. SULLIVAN said, he thought it as very undesirable that his hon. Friend the Member for Meath (Mr. Parnell) should be in any way manoeuvred into discussion on his Amendment, after he had, at the outset, stated that he was unable to enter upon it. It was an extremely clever strategic move on the part of the right hon. and gallant Gentleman the Secretary of State for War. ["Oh, h!"] It was surely consistent with all possible courtesy, and with Parliamentary usage, to credit a Minister for War with strategic ability; but, if it was an offence to do so, he would withdraw any such imputation, and would say that it was a good piece of Parliamentary tactics to draw his hon. Friend the Member for Meath into a discussion on his Amendment. He would now request his hon. Friend not to discuss it. He (Mr. Sullivan), for one, would have to speak on this point, and he would state the line he desired to take, but which he would not take that night. It was on the doctrine of allowing indiscriminate arrests by private soldiers; but he was not going to be entrapped into the discussion. The Motion was one to report Progress; and he hoped they would be allowed to go home, and that it would not be necessary, some half-hour hence, to move that the Chaplain be called to preside at proceedings, as he would be the Chairman more befitting a Sunday sitting.

MR. HERSCHELL said, that if the Committee could make any real progress he would be prepared to go on; but they could not do that, and he hoped the Government would consent to report Progress.

THE CHANCELLOR OF THE EXCHEQUER said, he could not help feeling that the appeal of the hon. and learned Gentleman (Mr. Herschell), who had supported them so well that evening, was one that deserved the attention of the

Committee. It was also to be borne in mind that when Progress was reported the House could not rise until the Speaker had again taken his seat. That would bring the time to past half-past 11, an hour beyond which it was not decent to sit. Under the circumstances, and considering the near approach of Sunday morning, he would agree to accept the Motion to report Progress.

SIR WALTER B. BARTELOT said, he just wished to say a word on the question. The right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) had made a statement with regard to Amendments being on the Paper. Now, he (Sir Walter B. Bartelot) appealed to the right hon. Gentleman, as one of the most prominent Members of the late Government, to say whether in his recollection and experience—for he had had as long an experience as most Members of the House, and had had practical experience of the conduct of Business—Amendments had been brought forward without Notice during the progress of an important measure? He remembered the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) saying that such a course was unfair to the Committee, and that it was one which the Committee ought not to tolerate for a moment. He hoped that hon. Members would not come forward with Amendments in that way, because he considered that it was done simply to delay the Bill. He would go further; he would say that he knew it was with the intention to delay the Bill.

MR. O'DONNELL rose to Order. He must presume that the hon. and gallant Baronet did not mean to imply anything un-Parliamentary?

SIR WALTER B. BARTELOT said, he spoke his mind. He believed he was perfectly in Order. It was his opinion that it was to the interest neither of hon. Members opposite, nor of the Committee, nor of the country, that they should be detained night after night on plainly fanciful Amendments. It was all very well to say that they were very important Amendments. The hon. and learned Gentleman the Member for Louth (Mr. Sullivan) came down quietly and placidly, and pretending to be very good-humoured—["Order, order!"]

MR. CALLAN rose to Order. [Mr. PARNELL: Oh! but it is an unfinished

sentence.] As it was not, he would ask the Chairman if it was Parliamentary, and within the bounds of Order, for an hon. and gallant Gentleman to state, with reference to the hon. and learned Member for Louth (Mr. Sullivan), that he was pretending, or acting a part?

THE CHAIRMAN said, the words of the hon. and gallant Gentleman, as they reached him, were that the hon. and learned Member for Louth (Mr. Sullivan) was pretending to be good-humoured. That did not appear to him to be in any way un-Parliamentary.

SIR WALTER B. BARTTELOT said, he perceived that the hon. and learned Member for Louth (Mr. Sullivan) himself took the expression in that sense. If the Amendment of the hon. Member for Meath (Mr. Parnell) were so important, then the hon. Member, seeing the position he occupied in the House, ought to have put it on the Paper. If he considered it important, then—and he was not now speaking of the Government, but of the House—he said he should not have omitted it from the Paper. He did not wish to lecture anybody—[“Oh!” *and laughter*—] but anybody with experience—he did not care whether the hon. Member for Cavan (Mr. Biggar) laughed or not—if that hon. Member had any common sense, he would agree that the Amendment ought to be on the Paper. The Committee should not be called upon to consider Amendments which he (Sir Walter B. Barttelot) firmly believed had never been considered, but were simply brought forward to obstruct the progress of the Bill.

Mr. CALLAN again rose; and Mr. ASSHETON CROSS rose at the same time.

THE CHAIRMAN called on Mr. ASSHETON CROSS.

Mr. ASSHETON CROSS said, he would not detain the Committee more than one minute; but he would make an appeal to the Committee, and to hon. Members opposite, on an extremely important matter with regard to the Business of the House. He had had charge of Bills that had taken a long time, and had been of great importance, and he thought it was absolutely essential to the conduct of Business that any Amendment involving a question of principle should be put on the Paper. Not to put

such Amendments on the Paper was unfair, not only to the Committee, but to the right hon. and gallant Gentleman who had charge of the Bill, and who ought to be able to know beforehand what it was that he was to come down to discuss. He appealed to hon. Gentlemen, did they not feel that was absolutely essential?

Mr. CALLAN said, he rose to Order. It had been ruled in that House that when it was moved that words be taken down it could not be done if other Business intervened. It was also an invariable rule that when an hon. Member rose to Order he should have precedence over any other hon. Member who did not rise to Order. The right hon. Gentleman the Secretary of State for the Home Department did not rise to Order, while he (Mr. Callan) did rise to Order, but he was put down; and now the ruling might be, that because of the intervention of the right hon. Gentleman, who did not rise to Order, the Motion which he (Mr. Callan) was about to make would be ruled out of Order. His Motion was that the words used by the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), containing a charge which had been ruled to be an offence to the House, be taken down. The hon. and gallant Gentleman had charged an hon. Member with a deliberate intention to obstruct the Business of the House. That was the charge—that was the offence charged against hon. Members of that House; and he rose for the purpose of moving that those words be taken down, when the right hon. Gentleman interposed; and if he was precluded by the Forms of the House from moving that, it was because the Chairman would not protect him when he first rose to Order. [“Oh, oh!” *and* “Order!”]

Mr. PARNELL said, he would appeal to his hon. Friend (Mr. Callan) not to press his Motion to take down the words of an hon. and gallant Member, which were certainly very absurd. The hon. and gallant Baronet occasionally gave them a little curtain-lecture, and perhaps one who was so much their senior was not always conscious of his actions at such a late hour. [“Order!”] He meant to say his inclinations had somewhat carried him away. At any rate, Motions for taking down the

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words of hon. Members were very inconvenient, and he was sure his hon. Friend did not mean to press the Motion.

LORD EDMOND FITZMAURICE said, the hon. Member for Dundalk (Mr. Callan) was quite wrong as to the ruling in that House. The ruling of Mr. Speaker had reference to hon. Members who "wilfully and persistently" obstructed. The hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) did not use the words "wilfully and persistently" obstruct, but only the word "obstruct." "Wilfully and persistently" were grave words, and the distinction was an important one. In the second place, Mr. Speaker had ruled that the accusation must have been brought against one or more particular Members, but no such accusation had now been brought; it was a general accusation that certain hon. Members were obstructing the Business of the House.

THE CHAIRMAN said, that when the hon. Member for Dundalk (Mr. Callan) rose at the same time as the Secretary of State for the Home Department, he (the Chairman) certainly was not aware that the hon. Member rose to Order, as no intimation of that kind reached the Chair. If any such intimation were given, he did not catch the words. If he had understood that the hon. Gentleman rose to Order, he should undoubtedly have given him the precedence to which he was clearly entitled.

MR. CALLAN said, he did rise to Order; but he accepted the explanation of the hon. Gentleman fully and freely. He knew, of course, that if the Secretary of State for the Home Department rose he would be prevented from fastening the charge he wished to make on the hon. and gallant Baronet (Sir Walter B. Barttelot). The fact arose from the Chairman having called upon the right hon. Gentleman, although he (Mr. Callan) himself rose upon a point of Order, so that he was prevented from moving to have the words of the hon. and gallant Baronet taken down. Those words were—"with the intention to obstruct the Business of this House." He differed very much from the noble Lord the Member for Calne; and he believed that his assistance offered to the Government was that some day he might tide into Office. He hoped it might be

very far distant; for, differing from the Government as he did, he thought it had better Representatives than the noble Lord who represented Calne.

MR. ASSHETON CROSS hoped he might now be allowed to conclude his observations. Of course, if he had understood the hon. Member for Dundalk (Mr. Callan) rose to Order, he would not have kept his place at the Table, but should have sat down at once. He had risen to appeal to the hon. Member for Meath (Mr. Parnell) if he could not put the whole of his Amendments on the Paper before Monday to be good enough to put the substance of them, in order to guide the Government in coming to some conclusion. He was bound to add that he was extremely struck by what fell from the hon. Member for Newcastle (Mr. J. Cowen.) This was the most popular Assembly in the world, and all nations looked up to it. They had great institutions—Household Suffrage. ["No, no! Germany, America."] They were far freer than any other country. [Mr. O'DONNELL: No, no! Germany, America.] He was not going to argue that question with hon. Members. They saw what he wished to say, practically, that they had great institutions, which they had long looked up to and respected; and he did put it to the Committee that they should conduct their Business in such a manner that they might again win the respect of the country. He was sure that was the wish of hon. Members; and he hoped when they met again that all that would have been passed over and forgotten.

MR. BIGGAR quite agreed that it was desirable to get Amendments on the Paper; but in the progress of the Bill the Committee had an illustration of the difficulty of doing that, by the very action of the Government itself. The right hon. and gallant Gentleman the Secretary of State for War (Colonel Stanley) undertook to supply them with Schedules something like a week ago, and he had always since excused himself from doing so on the ground that the continuous attention required by the Bill had prevented him from drawing them up. As to the speech made by the hon. Gentleman the Member for Newcastle (Mr. J. Cowen), that hon. Gentleman admitted he made the speech without knowing anything of the facts, for he explained he was not present when

the matters to which he referred were taking place. It was, therefore, comparatively of little value; and, consequently, it was not to be wondered at that the statements were considerably inaccurate.

MR. W. E. FORSTER said, he rather hoped now, from the good-humour and amusing remarks, that the discussion had come to an end, and he did not think they need go into the question of what was obstruction. He thought he was somewhat to blame for the little difficulty that had arisen, and for having brought on the discussion, which arose from some remarks he made on the advantage of putting Amendments upon the Paper. The hon. and gallant Baronet opposite (Sir Walter B. Barttelot), there-upon, had appealed to him to state his experience as to the question at issue. He, of course, had had some experience, having had charge of Bills at various times; but he should be very sorry to refer to all the interruptions and obstacles—something like the present—which he met with in charge of them. He believed there was a general impression, on both sides of the House, especially below the Gangway, that Members of the front Opposition Benches, and Members of the Government, had a common interest with regard to the conduct of Business. To some extent that was true; and, of course, he and his Friends could not help having some sympathy with their opponents, when they were placed in a similar position to that in which they had been. It was a fair thing that Amendments should be put on the Paper; but he did not think that this suggestion as to their being put upon the Paper quite justified the very strong outburst—if he might so speak of it—of the hon. and gallant Member for West Sussex. Having once been in the West of Ireland he went to an assembly, at which he was told there would be a row. Everything went off very quietly, and speaking to a friend of his about it his friend said—"I will take care to say something which shall bring it up." In like fashion, his hon. and gallant Friend, who had been sitting there all day, thought he could not let the Committee depart without rather strongly expressing his views. The Bill had now, however, been before the House so long—[MR. PARNELL: Two months]—that he did not think any

hon. Member who took an interest in it had any excuse if he had not learnt every clause, every word, every line of it, or did not know exactly what Amendment he wished to put with respect to it. The hon. Member for Meath said he had to spend last Sunday upon the Bill; but he (Mr. W. E. Forster) should have thought, from his ability, that long before that he would have found out all the Amendments he would wish to move. He did not know it was much in the interest of the Government saying that, for the result might be they would have a long list brought in on Monday. But they had now got to the stage of the discussion when they had a right to expect that Amendments brought forward should be put upon the Paper of the House, so that they might know what they were.

COLONEL ALEXANDER hoped that between that day and Monday the right hon. and gallant Gentleman the Secretary of State for War would re-consider the clause, for in it a very dangerous power was given to a soldier to arrest any person whom he suspected of being a deserter; and, what was still more dangerous, a reward of 40s. was given him for doing so. He knew, in his own experience, that it led to collusion; and so strongly did he feel on the matter, that he should very strongly oppose it. That power did originally exist; but it was taken away some time ago, and left to the police constables, and he did not now think it should be restored.

MR. SULLIVAN said, that the hon. and gallant Gentleman had, in well-chosen words, hit the point which he (Mr. Sullivan) informed the Committee was the serious one underlying the clause; but he rose to call attention to the fact that exactly 29 minutes had been wasted by the hon. and gallant Baronet (Sir Walter B. Barttelot) in consequence of the speech he had made, and the lecture which he had administered to them, in a tone which did not at all become him. At 20 minutes past 11 the Chancellor of the Exchequer closed that wild scene, and things were then peaceable; but up rose the hon. and gallant Baronet. It was very hard, indeed, to please the hon. and gallant Baronet. He complained of his (Mr. Sullivan's) good-humour—of which he was a judge, indeed—and had gone so far as to say that his good-humour was only pretended. He did

Mr. Biggar

not know that the hon. and gallant Baronet was entitled to judge the genuineness of his good-humour, or his ill-humour; but, certainly, ill-humour ought not to be shown in that House, and that was what the hon. and gallant Baronet had done. The Leader of the House had an exceedingly embarrassing and unfair position forced upon him. Whenever he attempted to take a wise course—such as that which had been suggested to him—up rose some hon. Member, like the hon. and gallant Baronet, to intimate that he was wanting in what they called firmness; and supposing he followed the fatal advice of his followers, *The Times* pitched into him next morning for lacking judgment. All that was a waste of time, and that was what had been done by the hon. and gallant Baronet. He complained, and charged, that he (Mr. Sullivan) was failing in his duty, because he had not put Amendments on the Notice Paper. Was it a complaint? Did the Government feel there were too few on the Notice Paper? He would remark that none had been put on by him, yet he had supported several Amendments in the Committee. And why? Because he had belonged to the class of Members who had other avocations to pursue. He had not the leisure of the hon. and gallant Baronet, who might in the evening of his life be able to study Amendments and put them on the Paper. But the hon. and gallant Baronet had not made a single Amendment, or even offered a single useful suggestion whatever.

COLONEL STANLEY said, as it was not desirable they should go on with the Business on Sunday, he hoped they would now consent to the Speaker being called into the Chair before 12 o'clock.

MR. O'DONNELL said, he listened attentively to the remarks of the Secretary of State for the Home Department with respect to the question of household suffrage, and if he continued to go on in that way he would go far towards conciliating that side of the House. He was very pleased with that, and also the Home Rule declaration of the right hon. Gentleman.

MR. JUSTIN M'CARTHY said, as a very new Member, he had listened with amusement, and, in the old-fashioned sense, with something like admiration, to the discussion of the last two hours. He should like to ask the Leader of the

Government what he thought he had gained by refusing to report Progress two hours before? for it seemed to him that they had spent the whole of the time in discussing every conceivable question except this Bill. They had gone through all and every sort of information—every hon. Member who had spoken suggesting some different topic. They had raised questions of household suffrage; they had discussed questions of geography, geometry, and the niceties of the English language—whether it was in Order to say a man should be good-humoured—as implying that he was not good-humoured—and whether to impute the pretence of good humour was a breach of good manners. Then they had discussed the Constitutions of all the countries in the world—whether America had advanced; whether they, themselves, were going to have household suffrage for the counties as well as the boroughs; and they had ranged over a very encyclopædia of information. He did not wish to make any charge against any body of Members; but he did charge the whole Committee generally with something very like combined, though unintentional, obstruction; and he must say he did think Her Majesty's Government were especially responsible for that, in not seeing long ago that the time had far passed when there was any chance of carrying any more clauses through, and for not closing the debate and allowing the Committee to go home.

MR. PARNELL said, it had been a matter of the greatest possible concern to him that he had been unable to get his Amendments on the Paper. He might explain, that when it was first introduced he determined to take a very active part in its discussion. Subsequently, he determined to confine his attention to one or two points, such as flogging. He went over to Ireland, and remained there till just before Whitsuntide. On his return the Bill was in full swing, and he had since found it impossible to catch it up. Progress had been so continuous, from day to day, that he had found it exceedingly difficult to prepare his Amendments, and he had only done so last week by working all Sunday. He would promise to send copies of his Amendments by Monday to the right hon. and gallant Gentleman the Secretary of State for War and to the Chairman, so that they might

not be affected by their absence from the Paper on Monday; and he trusted that they would have sufficient time to meet the exigencies of the discussion from day to day.

MR. CALLAN repudiated any idea that he joined in obstruction, and suggested that it was now quite time for them to go home and prepare themselves for their duties on Sunday. He congratulated the Committee upon having created a precedent that had not been created since the days of Cromwell.

MR. BIGGAR said, the speeches of the hon. and learned Member for Louth (Mr. Sullivan), and of the hon. and gallant Member for South Ayrshire (Colonel Alexander), showed how important was one of the clauses which the right hon. and gallant Gentleman the Secretary of State for War wished to push through.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. SULLIVAN hoped it would be known that this attempt at obstruction came from one of the ablest and most prominent supporters of the Government, who filled an influential position inside and outside the House; who was in the confidence of the Government; and who, if it remained in Office much longer, might be a Member of it; yet that hon. Member had moved the count which, if it had succeeded, would have rendered the Bill a dropped Order.

House resumed.

Committee report Progress; to sit again upon *Monday*.

MR. CALLAN, in reference to the cats which had been placed in the House, said, that they did not now bear the endorsement which they bore when he inspected them on Thursday week.

MR. W. H. SMITH had simply substituted a fuller and more explicit label, as that to which the hon. Gentleman referred would give no information to the House.

House adjourned at a quarter after Twelve o'clock, till Monday.

Mr. Parnell

HOUSE OF LORDS.

Monday, 7th July, 1879.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Summary Jurisdiction (97).
Third Reading—Gas and Water Provisional Orders Confirmation * (101); Local Government Provisional Order (Artisans and Labourers Dwellings) * (102), and *passed*.

POLICE (IRELAND)—DISTURBED DISTRICTS AND INTIMIDATION.

QUESTION. MOTION FOR RETURNS.

LORD ORANMORE AND BROWNE, in rising to call attention to the continued disturbed state of parts of Ireland; and to ask, Whether Her Majesty's Government deem that the time has arrived when measures should be taken to assert the supremacy of the law; and to move for a Return of all persons now receiving police protection in Ireland, and of police posts of constabulary located in disturbed districts; and a Return of farms now unoccupied from intimidation? said: My Lords, when, a fortnight ago, I had Notice of the same Question on the Paper the Premier objected that at a quarter past 6 I did not go forward with it; but the reasons for my not doing so are easily understood; and the answer that was given in "another place" on the same evening did not encourage me to press forward such a matter. When the case was brought forward, in 1870, by the noble and learned Earl (Earl Cairns) it took him nearly two hours to state his case. I shall not occupy your Lordships at such length, as I wish to give other noble Lords an opportunity of speaking on the subject, which they would not have had if I had brought it on at a quarter past 6. The state of things in Ireland is such that no one can bring forward such a question as this without being compelled to state some disagreeable facts; and the statement of these renders a residence in Ireland dangerous, for it is a crime now to ask that crime be repressed. The late Government followed the Acts relating to the Church and the land in Ireland by two measures for the repression of crime; but I am sorry to say that the present Govern-

ment did not think it necessary to continue those measures. I think if they had done so the state of the country would not be what I am now obliged to show to your Lordships that it is. I know Her Majesty's Government have the greatest difficulty, from circumstances which we are all aware of, of carrying on the Business of the country at all, and still more of passing any exceptional legislation—not to speak of repressive measures. I confess that I was very much surprised the other day to see a noble Lord—a supporter of Her Majesty's Government, and one whom everybody respects—rise to ask Her Majesty's Government why the police were not removed from the district of Donegal, where Lord Leitrim was murdered? It is the fact that in that part of the country—a fact which Her Majesty's Government are perfectly aware of—that there are several gentlemen who are living in fear of their lives through being under the sentence of death by the secret societies. That is a very unfortunate state of things, and one that requires to be remedied. It is commonly believed in Ireland that Lord Leitrim was under sentence of death for 20 years before he was murdered. That this sentence of death is no trivial matter is shown by the various crimes perpetrated, from time to time, in places often widely distant. A very strong evidence in proof of the ramifications and power of the Irish secret societies is to be found in a statement which appeared in *The Cork Examiner*, relative to a murder perpetrated in London some time ago. It is there stated to be ascertained that the body found under the viaduct of the Metropolitan Railway in Camden Town is that of a person who was under the ban of an Irish society—Nagle, a Fenian informer. It goes on to say that the authorities at Scotland Yard have in their possession several documents, found on the body, which leave no doubt as to the identity of the person. A large cheese knife—such as grocers use—was found run through his heart; and upon the point, which had penetrated several inches, was fixed a paper containing his name, and the information that his life had been taken as the penalty of his treachery to these societies. Three arrests were made at the time, but no clue could be obtained, and the prisoners were discharged. To show the state of Ireland,

I will now read to your Lordships not what I stated last year, but what the noble and learned Lord on the Woolsack stated in reply to the case I laid before your Lordships. He said—

“I do not wish to conceal from your Lordships anything which is within the knowledge of Her Majesty's Government. I am afraid that it is the case in one particular district of Ireland to which the noble Lord more immediately referred—the district of part of Galway, Mayo, and Roscommon—where, for the last 12 months, a state of things has prevailed which has, in a very great degree, caused anxiety and pain to the Government.”—[3 *Hansard*, cccxxxix. 1209.]

The noble and learned Lord then goes on to refer to the occurrences which have taken place there, and says that the several outrages must have been committed with the knowledge of the people living in the neighbourhood, and yet nobody has been brought to justice. Then he goes on to say that these outrages are not isolated acts, but show that a large amount of organization exists, and that there is also an amount of terrorism exercised in their neighbourhood which prevents any evidence being given against the authors of the crimes. The noble and learned Lord said that these things had given great anxiety to Her Majesty's Government, who would watch very narrowly, and, if they deemed necessary, would apply to Parliament for further powers. I want to know from Her Majesty's Government what has been the effect of this narrow watching? Has any check been given? Has anyone been brought to trial or convicted for any of those crimes? Not one single person. No. Crime is increasing steadily, as I shall show your Lordships later on—its ramifications are extending and becoming daily more dangerous—the powers that are possessed by the Government are utterly inadequate to cope with the difficulty, and I think the time has arrived for some measures to be taken. As evidence that agrarian crime is increasing, I rely on the statement of no less a person than the Lord Lieutenant of Ireland—I am very sorry the noble Duke could not be here to-night; he was here when I first gave the Notice, but I have no doubt the very serious state of parts of Ireland has been sufficient to make him feel it his duty to return there to see what measures are necessary to be taken to repress crime

—be that as it may, at the dinner of the Lord Mayor of Dublin, in January last, the noble Duke said—

“I am sorry to say that crime has, to a certain extent, increased, both as regards offences against property and offences against the person.”

He was alluding to agrarian crime, and there was no doubt there had been an increase of agrarian crime. The noble Duke went on to explain that he lived in Westmeath, in the disturbed part of Ireland, and had found there only loyalty and good-will. Did the noble Duke, when he made that statement, remember that one of the first letters he received on going to Westmeath contained a widow's cap for the Duchess? The noble Duke goes on to say he trusts not to the enforcement of the law to suppress crime, but to the influence of education as years roll on to get rid of agrarian crime, and all sympathy with it! I submit, with every respect to the noble Duke, that this may be philanthropical, but it is not the language we should expect to hear from a person in the position of the Chief of the Executive in Ireland. And your Lordships will be the more surprised to hear it, when I tell the House that, only two months previously, a land agent had been murdered in close proximity to the residence of the noble Duke. I do not think it a state of things that should be permitted. I will not trouble your Lordships with long statistics, but I must refer to a few. The Police Returns that were given in reply to my Motion last Session showed that there were 502 agrarian crimes between 1875 and 1878; 48 convictions for minor crimes; but in that time there were 49 murders, I am not sure they were all agrarian crimes, but there was only one capital punishment during some three years, and I do not think that one execution for so many murders is likely to have a very deterrent effect. Another Return from Hancock shows that agrarian crimes had increased within the year three-fourths, though there had been a steady increase in crime since 1870. This increase of crime has been, he thinks, partially the consequence of the impunity which has attended the murder of Lord Leitrim. Surely that, my Lords, is a very unpleasant state of things to exist under

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what we call a civilized Government? Now, my Lords, it happens that no one of Lord Leitrim's class has been murdered since last year, and I will directly explain the reasons of this; but many of other classes have been murdered; and I do not come here to plead for the lives of any special class. The class to which I belong can absent themselves from the country; they can take greater measures of prevention; but the poor farmer, who is obliged to be about night and day—for him protection is more necessary than for any class, and it is for the protection of my poorer neighbours that I ask the Government to take such measures as may prove effectual in suppressing crime. I really do not like to give so much evidence upon this matter; but, as the state of the country is very disturbed, I think it necessary I should trouble you with a few details. The part of a letter I will read is from a gentleman who is a constant resident in Ireland, and who, until these disturbances took place, took an active part in public matters, and who is not an alarmist. He says—and I beg your Lordships' attention to it—

“Neither the large nor the small tenants asked for any reduction until these disturbances occurred, and then the large graziers thought it was a favourable time to excite the smaller tenants, and hoped, in the confusion that might arise, to get their rents lowered. Another cause was to get up an election cry.”

Other letters go on to say—

“The speeches delivered at these meetings are utterly lawless; their resolutions end with no Petition to the Queen or to Parliament; they repudiate Parliamentary government altogether; they claim their landlords' property, and declare their intention to take it by force; they declare that those who oppose them are enemies of the human race, and show how they may be removed by assassination. The meetings were not at first attended by any of the Roman Catholic clergy; but I am sorry to say that since those meetings I have in my possession a document which will show that the Roman Catholic clergy are re-organizing and taking the lead in new meetings that are to be assembled. At the meetings that have been held the speakers were chiefly Fenians, and some well-known Members of the Ribbon societies. Those have greater influence through the fear than the love they inspire. As yet the mischief is not deep; but that it is serious is evident when Archbishop M'Hale has thought well to condemn it. But up to this the Government has done nothing, and if nothing be done to check lawlessness, matters will daily become worse, and by winter we shall have a civil war. That is the opinion of men of all

classes; and if the Government do not soon do something, men who have hitherto kept aloof from the movement will join it either from fear, love, or popularity."

My Lords, I may mention that these meetings will not be so large or so dangerous at present, because a large number of the labouring people at this time of the year come over to work in England. For the same reason the last half-year's rents were all readily paid; and it is only as the agitation began that the refusal to pay rents came with it. They demand abatements equally, whether let high or low; and the police are afraid to set their face against these monster meetings. Another case of a friend of mine, who was noticed by the police and Her Majesty's Government that three men were named to murder him—he took their advice, and lives out of the country. Again, in the county of Donegal, a gentleman received the same notice, but tried to let his place. An English friend went over to see it, and intended to take it; but, on going on board ship, a well-dressed man asked—"Are you the gentleman going to take such a place?" He said—"Yes; what is that to you?" "Oh, nothing; but if you take my advice"—putting his hand on a revolver in his breast pocket—"you'll remember Lord Leitrim's fate, and not come." I am ashamed to occupy so much of your Lordships' time, but I am obliged to make my case as clear as I can. The next point I will call your attention to is these monster agrarian meetings. And there is a very curious coincidence connected with them—that they come very closely after the discussion in "another place" of what are called the "Bright Clauses" and the Committee of Inquiry that preceded. And I must say that the language used by a right hon. Gentleman (Mr. Bright) in speaking on this subject in "another place" was, at any rate, taken hold of, and taken as a good hint that agrarian agitation would meet with some support from him, and, perhaps, from the late Government. The right hon. Gentleman spoke in his usual eloquent, but very acrimonious language—language that I cannot see was of any use or avail except to set class against class, landlord against tenant. He stated there were only 12,000 landlords in Ireland, whereas there were upwards of 600,000 tenants; and he said—

"That a man must be unable to reason on the question, if he did not see that that state of things was unnatural, was utterly untenable, and must be changed."

What does that mean? It seems to me that it comes to this—there are few rich, but many poor. But this is a state of things that has existed through all time. I cannot tell whether it was in connection with that or not; but two hon. Gentlemen, Members of the other House, whose proceedings have lately received much sanction from the right hon. Gentleman, went over to Ireland just after that speech, and then began those monster agrarian meetings. There can be no doubt these Gentlemen got a good deal of assistance in their proceedings from the speech of the right hon. Gentleman. The right hon. Gentleman went on to say the principle was the same as that that had been adopted on the land question—and I confess I think it is—for parts of the Land Act accepted the practice of confiscation without compensation—a paying of black mail to crime—it could but encourage lawlessness, and the first bad season the results crop up as was foretold. I must now ask your Lordships' attention to what took place at one of these meetings. Up to the present time I think there have been five or six meetings held, one at a place called Irishtown, and another at Milltown, the place made notorious by the murder of two persons a year ago. First of all, I must say it is not so much the numbers attending these meetings, but their organization. They march, as far as they are able, in military form. There is no violence and no licence at those times, and, therefore, they are more difficult, probably, for Her Majesty's Government to attempt to interfere with; but this military organization may be improved by the Bill—the Volunteer Corps (Ireland) Bill—which is coming before your Lordships' House, and which I am sorry Her Majesty's Government have assented to in "another place," as they will be then more dangerous, for they will come armed and drilled, at the expense of the country, to these monster meetings. One speaker supported the principle of "the land for the people and the people for the land," and said that, if necessary, they must be prepared to lay down their lives for it; or, in other words, take the lives of the

landlords who enforced their legal rights. I now come to a resolution moved by a gentleman well known to the country at present—a gentleman of education, family, and position, also a magistrate holding a commission of the peace for the county of Wicklow, Mr. Parnell. This is what this gentleman said—

“There must be a re-adjustment of the land question based on the principle that the occupier of the land shall be the owner thereof, so as to prevent the further confiscation of tenants’ property by unscrupulous landlords, and secure to the people of Ireland the natural rights in the soil of the country.”

That has a very plain tendency, and the gentleman goes on—

“You must show the landlord that you intend to secure your homesteads, and hold firm your grip on the land.”

He also says he does not rely on a representative Government, but on their assembling, as they are doing in spite of all difficulties, to show their force by the resolution, and by the numbers they meet together. The next resolution ended in this way—

“If any one enforces an unfair rent he is an enemy of the human race, and we pledge ourselves to assist, by every means in our power, to the getting rid of such oppression.”

The gentleman who seconded that Resolution—I suppose they are all gentlemen now—is named Walsh, but commonly known in the county as “Tonbridge,” the name of an unfortunate process-server who was murdered. The greatest proof I could give your Lordships of the disturbed or dangerous state of society in Ireland is the letter of his Grace the Archbishop of Tuam to the Westport meeting. He said that an Irish Member of Parliament had unwittingly expressed his readiness to attend a meeting convened in a disgraceful manner, and he pointed out that the people should be warned that such combinations led to disaster. The Archbishop spoke of “night patrolling, acts and words of menace, with arms in hand, all the result of lawless and occult association,” &c. Anyone acquainted with Ireland knows that Archbishop M’Hale has taken a prominent part in politics for more than half-a-century as the chief instigator to agitation; and you could not have better evidence of the state of Ireland, for he is better informed than even the Government, for he gets his information from the parish priests in

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his large diocese; and at this very time, in Connemara, a part of his diocese, the priests, under his direction, are trying to exterminate a small Protestant colony, by a persecution which Her Majesty’s Government have used all means they could to prevent, but without the least success whatever. My Lords, I have only a few more words to say, and I am much obliged to your Lordships for the patience with which you have listened to me, and I am sorry to occupy so much of your time. I have already directed your Lordships’ attention to the purport of these meetings—to the lawlessness of their resolutions—to their contempt of all government—to their determination to seize by force the land they now occupy as tenants, and their determination to enforce their desires, if necessary, by assassination. The fact of the disturbed state of society is proved by what I have stated, by the admission of the Lord Chancellor, the Lord Lieutenant, and by the letter of the Roman Catholic Archbishop, and, as I have shown, crime is increasing both in itself and in the terror it creates. Her Majesty’s Government have promised to ask for further powers, but have not only done nothing, but they have consented to repeal the only Act by which these meetings could have been prevented—the Convention Act; and it is only by that Act these monster meetings could have been checked. I only conclude now with the Motion of which I have given Notice, asking Her Majesty’s Government when they will be convinced that some deterrent measures are necessary, and to give the Return asked for, and, if possible, show further evidence of the very unfortunate state of Ireland at the present time.

Moved that there be laid before this House. Return of all persons now receiving police protection in Ireland, and of police posts of constabulary located in disturbed districts; and a Return of farms now unoccupied from intimidation.—(*The Lord Oranmore and Browne.*)

THE DUKE OF RICHMOND AND GORDON: My Lords, I certainly do not rise to complain that the noble Lord has put down the Motion which he has upon the Paper, which is to call attention to the continued disturbed state of parts of Ireland. Any discussion on the state of any part of Her Majesty’s Dominions must be of the greatest interest

to all your Lordships, and must, of course, have especial interest to noble Lords who come from that part of the country. I quite admit the great importance of the subject to which the noble Lord has called our attention; and the only surprise which I would venture to express upon the present occasion is, that the noble Lord did not take advantage of the opportunity which was given him of calling your Lordships' attention to this subject 14 days ago. If the inquiry was so necessary to be made, and if steps to be taken were of such a particular and necessary character, I confess that I was astonished that the noble Lord should have let the time elapse without bringing the matter before your Lordships: more particularly as on that particular occasion the noble Lord was in possession of the House, and had the opportunity offered him by your Lordships of bringing the matter before us. The noble Lord has no doubt told us, if not to-night certainly upon another occasion, that the reason he did not bring forward the subject when he was in possession of the House was, that the hour was too late, and that he did not consider he should be able to do justice to his case, or enable other noble Lords to do so, and, therefore, he postponed it. My Lords, I beg to protest—and in that I shall be most probably supported by the great majority of those whom I have the honour of addressing—against the idea that in the month of June the House of Lords are unable to enter upon any discussion, however urgent, after 6 o'clock in the evening. My Lords, I should be very sorry that it should go forth to the country that your Lordships are bound to adjourn any matter of inquiry which is proposed to be brought under your notice at such an hour. My Lords, I am glad that the noble Lord has on this occasion confined the remarks which he made to a small portion of Ireland, and that he has not included within the indictment which he has preferred a larger space of the country than that really affected, as he has described it, at the present time. My Lords, I think it is gratifying that at the present time a great portion of Ireland is not certainly in an unsatisfactory condition; and I may mention that as regards the largest county of Ireland—the county of Cork—it has been the

privilege of Her Majesty's Government to release from the operation of the Peace Preservation Act the county of Cork, the city of Cork only excepted. The county of Cork has been under proclamation since the year 1875, and Her Majesty's Government have thought that the time has arrived when that could be, as far as the county is concerned, put an end to. The same may be said of the county of Kerry; and shortly, if it has not already been done, the county of Kilkenny will be released from the operation of the Act. Therefore, while we have still to look at the gloomy and disagreeable side, yet I think it is most satisfactory that we have another side to look at which does not present all these difficulties to which the noble Lord has alluded. No doubt in Ireland there has been, and exists at the present time, a considerable amount of agricultural depression; but we know that agricultural depression does not apply to Ireland alone, but that it is shared in a far greater degree, I believe I might say, by this country. I fancy, from what I have been given to understand, that the harvest in Ireland during the last year was by no means a bad harvest; and I also hope, unless I have been misinformed, that the prospects of the harvest in the incoming year are by no means unsatisfactory. The noble Lord has quoted several letters. Of course, against the *bona fides* of those letters I have nothing to say; but there are assertions in them which I cannot say are borne out by the facts of the case. In one of these letters the gentleman stated that the Government have done nothing. Now, I hope, before I sit down, that I shall have shown your Lordships that the Government have done something. I think it was the same gentleman who stated that the police are afraid to act. Now, I think I am speaking in the presence of Members who come from the other side of the water, and I have never heard it charged against the Irish Constabulary—

LORD ORANMORE AND BROWNE: My Lords, the noble Duke has misunderstood me. It was not want of courage, but want of moral skill, in suppressing the monster meetings that I mentioned.

THE DUKE OF RICHMOND AND GORDON: The noble Lord said the police were afraid to act; and if they

were afraid to act that sounds to me very like a charge of want of courage. With regard to another point—the noble Lord has stated that the only Act which would have enabled the Government to put down the proceedings to which he referred had been repealed. But the Convention Act was passed for a very different purpose, and was repealed because it was not supposed to be of any use at the present day. The noble Lord said he demurred to that assertion. He says it is the only Act by which such meetings can be put an end to. I say that is not a proper description. The Act was passed for the purpose of putting an end to what were called “Delegates” meeting for the purpose of holding Parliaments, and certainly did not apply to the general question which the noble Lord has raised; and also there is this fact—that that Act, while passed for preventing certain illegal assemblies, might be applied to the suppression of meetings to which there could be no legitimate objection. Therefore it was that Her Majesty’s Government consented to the repeal of the Act in question. I will not touch upon the Volunteer Corps (Ireland) Bill, which is to come up to-morrow to this House; but I cannot agree with the noble Lord that these meetings will become more dangerous owing to the superior organization of those who may attend them: because I cannot think that the class of persons who will form the Volunteers in Ireland will be persons from whom Her Majesty’s Government or the public at large have any reason to anticipate disaffection. My Lords, there can be no doubt that there is disturbance in certain districts in Mayo, in Galway, in Roscommon. In those districts the position is unsatisfactory. No doubt, in one district—the prohibited district of Connemara—there has been a state of things which has been very disgraceful. The attention of Her Majesty’s Government has been called to that state of things, and they have taken measures which they hope will prevent any further breach of the peace there. Extra police have been sent into that district, and if disturbances take place in that part of the country means will be taken to repress them. The disturbances to which I now allude are not of an agra-

rian character, but of a totally different nature; but there is no doubt that in Mayo or Roscommon, or a portion of these counties, there has been a considerable amount of agrarian agitation. There is no doubt that for some time there has been a secret society existing in that part of the country; and there is no doubt that the secret society has had a great deal to do with these monster meetings to which the noble Lord has alluded. There was a meeting at Harriestown (or Irishtown), and one at Milltown, and, no doubt, that at those meetings very violent language was used, and the tenantry were recommended that unless 25 per cent were taken off the rent they should pay no rent at all. No doubt, this is a doctrine that finds great favour with the tenantry—and I think it would find favour with the tenantry in all parts of the country; but I think, if carried to its extreme extent, it might lead to something very like confiscation. At these meetings this kind of language was used; but I do not agree with the noble Lord when he does not admit that Roman Catholic clergymen of that part of the country denounced these meetings. From my information—and I have endeavoured to inform myself as to what has taken place, and I am liable to contradiction if I state what is not the fact—I am told that from many of the pulpits in that part of the country the Roman Catholic clergy have denounced these meetings as meetings which ought not to be tolerated, and such as they are not able to countenance or support; and I am also told that the reason for that was the expression of opinion of the Roman Catholic Archbishop, Dr. M’Hale. Dr. M’Hale was known to entertain very strong views on the subject—views which he has held and expressed for many years, and which were perfectly well known years ago—he does not countenance these meetings; he considers that the doctrines which have been approved at these meetings are not such as any Christian minister ought to support; and he has enjoined his clergy that they should take no steps whatever in favour of the movement. My Lords, there is no doubt the process-servers have been treated in a most summary manner by the tenants in this part of the country

The Duke of Richmond and Gordon

—that tenants have been visited by armed parties at night, and threatened that they would be shot on the spot, or their premises burned down, if they paid the rent which it was thought they ought not to pay. In view of this state of things, Her Majesty's Government have had the necessary steps under consideration. In the first place, they have communicated with the Lords Lieutenant of the County Galway and Mayo, and have asked their views of the crisis. We have asked them to recommend what steps they think should be taken, or advisable to be taken, to prevent this lamentable state of things in this part of the country. From the tenour and tone of the noble Lord (Lord Oranmore and Browne), it would seem that Her Majesty's Government have taken no steps whatever in reference to these transactions. Now, my Lords, they selected Colonel Bruce, who is the Deputy Inspector-General of Constabulary. He has been sent down on a special mission, and has been told that he is to consult with the resident magistrates on the state of the country, and to report from time to time what steps are necessary to be taken to protect life and property. He has been desired to state what regulations should be enforced and what are wanted. He has been told to report whether any more resident magistrates are required in these districts. He has been told generally to report on what he considers necessary in the present state of things, and that he is to concert with the resident magistrates as to what steps are to be taken for the maintenance of law and order; and to make known as publicly as possible the determination of Her Majesty's Government to restore order and to maintain peace. That being so, I cannot understand how it is that the noble Lord is able to say that Her Majesty's Government have done nothing, or taken no practical steps. They have desired that there should be an additional supply of improved huts sent down to this part of the country to provide residences for those police who are not already supplied with house accommodation. They have sent down extra police to the districts, and other police have been drafted into the police already there. The police force has been now recruited to a larger extent than the provisions of the Act give power to the Lord Lieutenant to the

amount of 200 men; and the Inspectors of Police are desired to employ patrols, and if necessary to supply cars, and set up a system of patrolling with the view of meeting the state of things which Her Majesty's Government are quite willing to admit has existed and does exist. Her Majesty's Government are determined that this illegal combination shall be grappled with at the outset in order to prevent it from spreading. They are determined to use every means that the law gives them to cope with the evil. They believe that the existing powers they have are sufficient, and that they will prove ample for the purpose. But should it unhappily turn out that the powers they possess are not sufficient, they will then lose no time in considering whether it is necessary to ask for further powers to enable them to do that which they certainly intend to do—namely, to restore order and maintain peace in these districts. There is no objection to the Returns the noble Lord has asked for.

LORD ORANMORE AND BROWNE: My Lords, I wish to offer a short explanation with regard to the statement about the Roman Catholic clergy. Nobody knows their power more fully than I do—nobody, therefore, will be more anxious to believe that they are under the direction of their Archbishop in the support of order, or in the prevention of crime. What I stated was, that there was a meeting, an account of which was published in the Mayo paper, and in which Canon Burke, and other priests, joined, for the purpose of organizing meetings in the County of Mayo for the same purpose as these monster meetings that have taken place. I know nothing of it myself; I only give the account published in the Mayo paper.

EARL SPENCER: My Lords, I think there is some difficulty in granting the whole of the Returns asked for by the noble Lord. From my experience, it does not seem to me prudent to publish such information to the world at large. It may be a very good thing in substance to grant the case of the noble Lord (Lord Oranmore and Browne); but it would be wrong to publish the Returns to all the world. I would, therefore, call the noble Duke's attention to this matter, before he gives the whole of the Returns.

THE DUKE OF RICHMOND AND GORDON: I intended to say, and I thought I had said, that there was no objection to the Returns asked for by the noble Lord; but there may be some difficulty and inconvenience about granting all he wants.

THE EARL OF KIMBERLEY: Surely it would be better that the Returns should not be granted. We only wish to assist the Government in the matter; but I entirely agree with the noble Earl behind me (Earl Spencer) that the latter part of the Motion should not be granted. I hope that portion will be omitted altogether.

THE DUKE OF RICHMOND AND GORDON: I will consider what information can be given.

LORD ORANMORE AND BROWNE said, he would withdraw his Motion altogether. When he rose to draw the attention of the Government to this subject, he certainly did not anticipate that the Government would grant all the Returns that he asked for, as they would give additional proof of their unwillingness or incompetency to deal with the dangerous state of matters which exist in Ireland.

Motion (by leave of the House) *withdrawn*.

SUMMARY JURISDICTION BILL.

(*The Lord Chancellor.*)

(NO. 97.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, said, the object of the measure was to amend the law relating to the summary jurisdiction of magistrates. The Bill was divided into three sections. The first part related to the Court of Summary Jurisdiction. The 4th clause enabled the Court to mitigate punishments awarded by Statute; it might, in cases where imprisonment was provided, omit the addition of hard labour, or reduce the prescribed period, or both; in cases where, in addition to the sentence of fine or imprisonment, the offender was required to enter into recognizances, or observe some other condition, the Court might dispense with that requirement. Where the law prescribed a sentence of imprisonment

only, the Court might inflict a fine instead. The 5th clause regulated the scale according to which imprisonment might be imposed, as an alternative, where fines inflicted were not paid. It rendered the scale of fines above £5 more regular than it was at present, and empowered the magistrates to allow fines to be paid in instalments. It provided, moreover, that fines not exceeding 5s. should not carry costs, except by the special award of the Court. The 10th clause enabled the summary trial of children charged with any indictable offence other than homicide, unless objected to by the parent or guardian. In such case the Court was to inflict the same punishment as might have been inflicted on trial by indictment—except that no sentence of penal servitude was to be awarded in any case, imprisonment being substituted; imprisonment was not to exceed one month, nor any fine to exceed 40s.; but, on the other hand, the Court was empowered to direct the offender, in addition to, or instead of, any other punishment, to be privately whipped. Similar provisions were made by the 11th clause for the summary trial of "juvenile offenders," the punishments to be awarded being adapted to this class of offenders. The 12th clause provided for the summary trial of an adult with his own consent. Clause 16 provided an alteration in the existing law of much importance and interest. It proposed that if, upon the hearing of a charge for an offence punishable on summary conviction under this or any other Act, the Court should think that though the charge was proved the offence was of so trifling a nature that it was inexpedient to inflict any punishment, or only a nominal one, it might, if it thought fit, dismiss the information. Other clauses of this section dealt with details and special provisions. The 2nd section of the Bill related entirely to amendment of procedure. The 3rd section contained necessary definitions, savings, and repeal of existing Acts.

Moved, "That the Bill be now read 2^d."
—(*The Lord Chancellor.*)

LORD BALFOUR OF BURLEIGH said, he was anxious to make a few observations on the Bill at its present stage. In some respects, the Bill appeared to bear hardly on Scotland with regard to the mode of procedure in the Border

counties. The measure was entitled, "An Act to amend the Law relating to the Summary Jurisdiction of Magistrates." What he wished was to point out some anomalies with respect to the exercise of that summary jurisdiction in respect of offences committed on the Border, due to the omission to give magistrates on either side powers either to apprehend or to cite offenders on the Border. Through that omission many of the offenders escaped punishment altogether. In order to make the case plain, he would mention some particular instances. Supposing an individual committed an offence against the Act known as the "Offences against the Person Act of William IV.," and it was committed in Scotland by an Englishman, no proceedings could be taken against him, because there was a provision in that Act by which all the proceedings against offenders must be commenced by citation, and the jurisdiction of the County Courts in Scotland did not extend to the citation of offenders resident in England; therefore, no man could be cited, whether he was in Scotland or not, who could prove that his domicile was in England. There could be no question that the law in such cases ought to be amended, so that the warrants for the apprehension of offenders should be endorsed by the magistrates possessing summary jurisdiction in England. Even should this Bill pass, this anomaly would still remain, because the Act did not extend to Scotland, and, therefore, no power would be given to English magistrates to endorse Scotch citations; neither would there be any means of apprehending offenders, because the Scotch magistrates would have no power to issue warrants for that purpose, because they could proceed by citation only. Some years ago the opinion of the Law Officers of the Crown in Scotland on this point had been taken, and that opinion was that these citations could not be endorsed by magistrates in Scotland so as to be effectual in England, and that the only remedy was to obtain some statutory power to enable the magistrates in England, or the sheriff in Scotland, to issue warrants or citations for offences, not only in the case of the Act of *Will. IV.*, but in the case of numerous other Statutes, and under the Common Law, and enabling citations and warrants to be endorsed

and served as might be requisite. He also desired to call the attention of the noble and learned Earl on the Woolsack to the fact that in some cases, such as the General Turnpike Act, the General Trespass Act, the Weights and Measures Act, and several other Acts, it was impossible to proceed either by citation or warrant. If any person committed an offence against any of these Acts in Scotland he must be cited—which was equivalent to being summoned in this country—to answer for the offence. Of course, if he resided in Scotland he could be reached; but if he contravened the Act and happened to be resident across the Border he could not be cited. On the other hand, Scotchmen contravening the Act and resident in England had a right to complain that instead of being cited, as they would have a right to be in their own country, they were exposed to all the indignity of having a warrant served upon them, and being apprehended as if they were criminals. No doubt, it might be answered that these were small objections, which might be brought before the Committee on the Bill. No doubt, that might be so; but he brought them to their Lordships' attention now, in order that when they came to consider the Bill in Committee they might be able to decide in what way these grievances could be remedied. It seemed to him most anomalous that at the present time, when there was extradition between almost every nation of heinous offenders, there should exist in this country itself a district in which the law could not be carried out and offenders punished. He hoped that the noble and learned Earl on the Woolsack would consider this question, and that when it came before the House again in Committee he would be able to propose some satisfactory remedy for those who suffer under the grievances he had described.

LORD ABERDARE said, that he very much approved of the measure as a whole; but he had to point out the Bill proposed to give an increased discretion to magistrates in many points in which they had hitherto been limited by Parliament. Whatever confidence Parliament might usually have in the magistrates, they had in various ways limited their discretion, and had thought it necessary to define the character of the punishments to be inflicted. But he

must say that, on the whole, considering that Justices of the Peace were qualified for their office more by social status than by legal knowledge, it was creditable to them that so few complaints were heard of their administration of the law. With respect to the Bill before the House, he thought it right that the magistrates should have the power of distinguishing between offences occasionally so similar as felony and mere trespasses; but, notwithstanding the power of the Court to draw this distinction so as to bring the case within their jurisdiction, such cases would often be brought to the Quarter Sessions or the Assizes even after the passing of the Bill. Another point for consideration was the proper area of the summary jurisdiction of the magistrates in Quarter Sessions. Were they, for instance, to deal summarily with cases of embezzlement and receiving? His own opinion was that the offence of receiving, which was a very serious one, and often difficult of proof, should be dealt with in the superior Courts, and not summarily. But he saw no sufficient difference in the importance or difficulty of the cases of embezzlement, and obtaining goods under false pretences, to justify a distinction between them, such as was proposed by the Bill, which included the former, but excluded the latter. But, whatever view might be taken of such points of detail, everyone would approve the Bill as far as it tended to expedite and improve the administration of justice.

THE DUKE OF BUCCLEUCH said, it was certainly correct, as the noble Lord (Lord Balfour of Burleigh) had stated, that he had some time ago obtained from the Law Officers of the Crown in Scotland the opinion referred to. The question, to his mind, was one that well deserved the attention of the noble and learned Earl on the Woolsack.

THE EARL OF KIMBERLEY was of opinion that the principle of the Bill was excellent, and that it would effect a great improvement in the existing law. He thought, however, the provisions which dealt with the case of vagrants might with great advantage be modified.

THE LORD CHANCELLOR said, the suggestions which had been made by his noble Friend should receive full consideration. He proposed to fix the Committee for to-morrow week.

Lord Aberdare

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday the 15th instant.

CATTLE DISEASE (IRELAND) — CONTAGIOUS DISEASES (ANIMALS) ACT.—QUESTION.

OBSERVATIONS.

LORD EMLY asked the Lord President, Why directions have not been given to the Royal Irish Constabulary to assist the local authorities in carrying out the provisions of the Contagious Diseases (Animals) Act as to isolation and slaughter? He addressed those inquiries to the noble Duke in consequence of some complaints that had been made in Ireland with reference to the working of the Act. The efficient working of the Act depended in a great degree on the action of the police—the noble Duke had himself admitted that, on a former occasion, a code of rules had been drawn up for Ireland identical with those that were in force in England, and therefore, it was supposed, would have worked with the same efficiency. But it had, unfortunately, been forgotten that the police in Ireland were not on the same footing with regard to authority as the police in England. In England they were under local authorities; but in Ireland they were controlled by the Central Government in this country; and in Scotland isolation and slaughter of diseased animals was carried out under the direction of the police, and a large number of the Inspectors under the Act were policemen. In his opinion, the Act could not be carried out in any other way except by the police. When, some six months ago, disease broke out in the County of Limerick, the police were not allowed to interfere directly or indirectly. Upon that, he communicated with the Irish Government, and was informed that the police in Ireland had been relieved of the duty of providing for the isolation and slaughter of cattle. The reason, he believed, was to save expense. He protested that this course was not the proper course that should have been adopted. The Act had been passed and should be carried out, and that by the right authority, and he asserted that that authority was the police. It was the duty of the Irish

police, under the Act of Parliament, as in England, to perform the duty which that Act imposed upon them. It must be the desire of the noble Duke, and everyone who lived in any part of the United Kingdom, to stamp out the disease altogether; the noble Duke, therefore, must be anxious that his own Act should be operative in every part, and, therefore, he felt sure, see the necessity of putting a stop to a system which would render it useless in Ireland.

THE DUKE OF RICHMOND AND GORDON said, the noble Lord had only done him justice in saying that he, in common with all their Lordships, desired to see that this Act was carried out in the most efficient and thorough manner possible. There was no doubt that the whole principle of the Act proceeded upon the point that cattle disease was to be dealt with by isolation; and there could be no doubt that if isolation in affected districts were not strictly enforced there was very little hope that the spread of the disease could be prevented. It was scarcely necessary to refer to the difference between the police force in Ireland and in England. The Irish Constabulary were paid and equipped by the Government, and were under their control; whereas the police force in England were local police, and confined to the several counties in which they were formed; and they were also under the jurisdiction of the magistrates of the respective counties—of course, subject to certain arrangements made by the Secretary of State for the Home Department. The duties of the police in both countries were, however, identical; and if the noble Lord would refer to the 50th section of the Act which was passed last year, he would find that it was a provision of the Act that the police of each police district or area, county, borough, town, and place, should execute and enforce the Act and every Order of Council. That was the law. The 85th section of the same Act provided that its enactments should apply to the members of the Royal Irish Constabulary Force and the Metropolitan Police Force. Therefore, it was by Act of Parliament, that the police of Ireland were required to perform the same duty as the police of England. The noble Lord, however, stated that the police had been relieved from the performance of that duty in certain districts in order to save ex-

pense. Upon that matter he thought there must be some mistake, because there was no power that could relieve the police of the duty while the Act was in force. He thought the statement which the noble Lord had made was in consequence of this—that, under the Order of 1876, the police were enjoined to carry out the duty of seeing that diseased animals were slaughtered; but when the Act of 1878 passed the duty of seeing those orders carried out was imposed upon the local authorities; and he understood that it was not thought advisable to give special instructions to the police to do that which they were required to do by the Act, because it was supposed that the doing so would interfere with the action and duty of the local authority. Since the noble Lord had been good enough to communicate to him some of the points he was about to bring before their Lordships, he (the Duke of Richmond and Gordon) had been in communication with the Irish Government upon the subject; and he was bound to say that in these communications the Irish Government showed that they had, since the passage of the Act, exhibited every desire and wish to assist the Government on this side of the Channel to carry out the Act of Parliament in the most perfect manner, believing, as they did, that it was necessary to put an end to the disease; and where Boards of Guardians applied for the special assistance of police to enable them to carry out the Act, the Government, when it had not interfered with the more important duties of the police, had allowed the assistance to be given.

THE EARL OF KIMBERLEY said, he was surprised at the concluding remarks of the noble Duke. It was by Act of Parliament the duty of the police to carry the provisions of the Act into effect; but the noble Duke said they had been directed, when they had the time from other duties, so to do. That was nothing more or less than what his noble Friend (Lord Emly) referred to—namely, that the police had been relieved from the duty. Of course, the police could not be in two places at once; but there was the Act of Parliament, which stated that the police in Ireland were to carry out the Act. The police were the servants of the Act of Parliament, and they were absolutely bound to see that the Act was carried into effect. The

police in Ireland were under the control, not of the local authorities, but of the Central Government. Therefore, it was the absolute duty of the Government to give the police in Ireland the necessary authority for doing that which the Act required them to do. This country was deeply concerned in an efficient enforcement of the Act; and he hoped the noble Duke would see that this beneficial Act was carried into effect by the Constabulary in Ireland, as well as by the police of this country.

VISCOUNT MONCK said, he also would urge upon the noble Duke the Lord President to take care to see that the provisions of the Act were thoroughly carried out. He hoped that if the local authorities in Ireland showed any laxity in carrying the Act into effect, the noble Duke would use all the influence of the Government to bring a pressure on them.

EARL SPENCER wished to make a few observations on the subject, in which he had always evinced great interest. He could not help confessing his great surprise at remarks which had been made as to the duties of the Royal Irish Constabulary. In England they were utterly unable to carry out the provisions of the Contagious Diseases (Animals) Act without the assistance of the police; for cases for which this Act provided would not be known were the police not to take action. He had always thought that in Ireland there was the great advantage in dealing with these matters that the police were under the Central Government. It appeared from the observations of the noble Duke that, in certain cases, the local authorities had not called upon the police to do their duty under the Act. That made him think the Act had not been strictly carried out. When he was in Ireland he had continually to deal with cases of pleuropneumonia. He never found the police unwilling to perform any duty which they were called upon to perform; but he knew that their chiefs rather rebelled against their men having to perform small duties, which they thought would make them unpopular in the country; and, for the same reason, they were probably unwilling to assist the authorities in carrying out the provisions of this important Act. He sincerely trusted the noble Duke would put pressure on the Irish Government, in order that the police might do their

duty under the Act, and so to assist in its working efficiently.

THE DUKE OF RICHMOND AND GORDON said, he could assure his noble Friend opposite (Earl Spencer) that it was his desire, as it was the desire of all the Members of the Government, to carry out the provisions of this Act in the most effectual manner. He feared that certain of his remarks had been misconstrued; but he had no doubt that in the future the Act would work well. If there was any doubt, however, on the subject, he would undertake to communicate with the authorities in Ireland, and call their attention to the facts which had been brought before the House, and impress upon them the necessity of seeing that the Act was carried out in the most efficient manner.

ARMY—DEATHS AND INVALIDS ON FOREIGN STATIONS.

MOTION FOR A RETURN.

THE EARL OF GALLOWAY moved that there be laid before the House a Return showing the numbers and respective ages of non-commissioned officers and privates in the Army who died or were invalided home from Her Majesty's Indian, Colonial, and other Foreign Possessions during the five years from January 1, 1874, to December 31, 1878, in a tabulated form, set forth in the Notice of Motion.

THE EARL OF SHAFTESBURY hoped the Return would be granted, as it was of the utmost importance to know whether the present system was responsible for all the offences laid to its charge. It might be that the statements were not just; but it was most important to the nation to know whether there was a fearful waste of life and strength of these young men of 18 or 19 years of age. It was, in truth, a point for great inquiry whether, by reason of losses by shipwrecks, explosions in mines, and other ways, the manhood of the country was not being exhausted.

VISCOUNT BURY said there was no objection to granting the Return.

Motion agreed to; Return ordered.

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

The Earl of Kimberley

HOUSE OF COMMONS,

Monday, 7th July, 1879.

MINUTES.]—PRIVATE BILL (*by Order*)—*Considered as amended*—Liverpool Lighting*.
PUBLIC BILLS—*Resolution in Committee*—Lord Clerk Register (Scotland) [Salary and Pension]*.
Second Reading—Charity (Expenses and Accounts) (No. 2) [230]; Customs Buildings* [228]; Slave Trade (East African Courts)* [232].
Committee—Army Discipline and Regulation [88]—*r.f.*; Children's Dangerous Performances* [229]—*r.f.*.
Committee—Report—Public Loans Remission* [218]; Highway Accounts (Returns)* [227]; Railways and Telegraphs in India* [192-234]; Cork Borough Quarter Sessions* [226]; Conveyancing and Land Transfer (Scotland) Act (1874) Amendment* [198].

PRIVATE BUSINESS.

PRIVILEGE—TOWER HIGH LEVEL
BRIDGE (METROPOLIS) BILL.

REPORT OF SELECT COMMITTEE.

LORD HENRY LENNOX: I have to report from the Select Committee upon the Tower High Level Bridge (Metropolis) Bill that they have agreed to the following special Report:—

"At the meeting of the Committee this day, Mr. Littler, one of the Counsel in the case, brought to the notice of the Committee certain facts, which are contained in the accompanying Papers:—

Statement by Mr. Cockell,
Tower High Level Bridge Bill,
Re Grissell.

"On Tuesday, Mr. J. Sandilands Ward, of 51 Lincoln's Inn Fields, Solicitor (admitted 1870), called on Mr. Hooker (Wyatt, Hoskins, and Hooker), and stated a client of his wished to be placed in communication with the opposing wharfingers as to the Tower Bridge Bill, as he could control the decision of the Committee, and was willing to do so on terms.

"Mr. Hooker replied he did not believe it at all, but referred Mr. Ward's client to Mr. Cockell (Arkcoll, Jones, and Cockell), as having the conduct of the opposition. Mr. Hooker informed Mr. Cockell of this fact, and the latter immediately spoke to Mr. Littler, and, with his sanction, arranged that, if Mr. Ward's client should call upon him, he would seem to entertain the proposal, and try and draw him out as much as possible, so as to expose the whole proceeding.

"On Wednesday morning, Mr. Charles E. Grissell called on Mr. Cockell, and stated his ability to control the decision of the Committee either way on terms, and as proof of his ability volunteered that, in the course of examination of witnesses, he would arrange that such questions should be asked by the Committee in favour of the wharfingers' case as would indisputably prove his assertion. Mr. Cockell explained that the examination of witnesses had concluded, and on being pressed to suggest some means whereby this proof could be afforded, explained to Mr. Grissell that the Board of Works had announced their determination of not proceeding with the measure if compensation was granted to the wharfingers and others injuriously affected, and put it to Mr. Grissell whether he could induce the Committee immediately prior to Mr. Pope's speech to announce that they were unanimously of decision that the fullest compensation should be paid, and that they would not report the preamble proved, unless a clause to that effect were inserted in the Bill. Mr. Grissell stated he could arrange for that to be done, and expressed his willingness to reduce his proposition to writing.

"Thereupon Mr. Grissell wrote out the paper in question, in a great measure, to Mr. Cockell's dictation, and took it away with him, as he wished to see others upon it, and arranged to see Mr. Cockell in the corridor of the House later in the day. He did so about half-past 12, and then stated all was satisfactory, and at Mr. Cockell's request signed the paper, Mr. Cockell promising to see his clients on the matter and communicate with Mr. Grissell.

"Mr. Cockell then placed the papers in Mr. Littler's hands, and with him had consultations with Sir Edmund Beckett and Mr. Pope, and those gentlemen arranged a course of action.

"Mr. Cockell wrote to Mr. Grissell afterwards, stating that the matter was of such consequence he had been obliged to consider it with his counsel, and could write nothing definite that evening.

Document signed by Mr. C. E. Grissell.

Copy Letter from Charles E. Grissell, 36, Curzon Street, Mayfair, written on the 2nd July 1879, in the presence of Mr. Cockell (Messrs. Arkcoll, Jones, and Cockell, Solicitors, 190, Tooley Street, Southwark, S.E.).

"Asserting that I can control the decision of the Committee now sitting upon the Tower High Level Bridge Bill, I am willing to use that influence in favour of the opposing wharfingers upon certain terms, and will undertake that the Bill shall be thrown out or otherwise dealt with by the Committee in such a way as would make the Board of Works withdraw it by reason of compensation or other clauses being required by the Committee, provided a sufficient guarantee is given to me for the payment of two thousand pounds immediately on such an event happening.

(Signed) CHARLES E. GRISSSELL.

"The authenticity of these papers having been verified, the Committee felt bound to report the same for the judgment of the House as a matter seriously affecting its Privileges; and they have

adjourned the further inquiry on the Bill until they shall receive further instructions from the House."

LORD HENRY LENNOX: I now beg to move that this Report be taken into consideration by the House at the earliest opportunity—namely, to-morrow. I do so, not so much from the feelings of myself and my hon. Colleagues as upon the part of the Petitioners and promoters of the Bill, who are anxious to bring an unusually protracted and expensive contest to an issue one way or the other. Therefore, with the sanction of the House, I will move that the Report be taken into consideration to-morrow at 2 o'clock.

SIR JULIAN GOLDSMID: Will the Report be printed?

LORD HENRY LENNOX: It will be printed in the Votes.

Motion agreed to.

QUESTIONS.

COMMITTEE ON SERVICE OF OFFICERS UNDER AGE.—QUESTION.

COLONEL ARBUTHNOT asked the Secretary of State for War, Whether he has yet considered the Report of the Committee which inquired into the question of the service of Officers under twenty years of age and other matters raised in the Debate of the 3rd of March; if he has arrived at any decision on those points; and, whether he has any objection to lay the Report upon the Table?

COLONEL STANLEY, in reply, said, the press of other matters had prevented him from getting an opportunity of considering the Report of the Committee. He hoped in the course of a few days to have time to look into the matter.

TREATY OF COMMERCE, 1873—FRENCH DUTY ON MINERAL OILS.

QUESTION.

MR. W. HOLMS asked the Under Secretary of State for Foreign Affairs, What reply, if any, has been received from the French Government, in answer to the communication sent through our Ambassador to M. Waddington on the 18th of February, pointing out that the stipulations with reference to the duties to be levied on British mineral oils had been practically set aside by the pro-

Lord Henry Lennox

visions of a French Law passed in December 1873, and asking the French Government

"That the question should be treated immediately, and distinctly, as a matter of Treaty engagement,"

and expressing

"The hope that the French Government will perform the simple act of justice for which Her Government ask;"

and, if no reply has been received, what steps do Her Majesty's Government intend to take in order to redress what has been characterised by the Secretary of State for Foreign Affairs as "a violation of Treaty engagements?"

MR. BOURKE: Lord Lyons has reported that he has received assurances from the French Minister for Foreign Affairs that the representations addressed to the French Government respecting the mineral oil duties had been referred to the Ministers of Finance and of Commerce, and were under the serious consideration of the Government.

INLAND NAVIGATION SYSTEM (NORTH OF IRELAND).—QUESTION.

SIR THOMAS M'CLURE asked the Chief Secretary for Ireland, Whether Her Majesty's Government intend, in conformity with the recommendation made last year by the Treasury Committee on the Board of Works (Ireland), to advise Her Majesty to appoint Commissioners to inquire and report upon the present state and future prospects of the inland navigation system of the north of Ireland, and the expediency of abandoning the same, or endeavouring to make such improvements therein as may render it less injurious to the agriculture of the adjoining districts?

MR. J. LOWTHER: The matter to which the hon. Gentleman refers is not in my Department; but I have every reason to know it is the intention of the Government to institute an inquiry into the subject, attention having been called to the matter in "another place," when an assurance to that effect was given.

INDIAN NATIVE TROOPS—COST OF CONVEYANCE TO EUROPE.

QUESTION.

MR. MUNDELLA asked Mr. Chancellor of the Exchequer, When the Return relative to the cost of bringing

the Indian troops to Europe will be laid upon the Table of the House?

THE CHANCELLOR OF THE EXCHEQUER: From inquiries at the War Office, I find that they have not yet received any official details on the subject; and, therefore, I am unable to say how soon the information desired by the hon. Member will be presented to the House.

TREATY OF BERLIN — ARTICLE IX. —
RASUREMENT OF THE FORTRESSES.

QUESTION.

MR. C. BECKETT-DENISON asked the Under Secretary of State for Foreign Affairs, What steps are being taken under the ninth clause of the Treaty of Berlin to rase the Fortresses of Bulgaria, especially those of Rustchuk and Varna, and if any pressure is being exercised by the Great Powers to have this important article of the Treaty carried out within a reasonable period?

MR. BOURKE: The last Report received from Her Majesty's Consul at Rustchuk stated that already a large portion of the masonry of the fortifications had been removed for the purpose of paving the streets. I believe the earthworks still remain there. We have not any Report from the Consul at Varna with respect to those works and the Article of the Treaty mentioned by the hon. Member; but we hope it will not be necessary for the Powers to exercise any pressure upon Bulgaria with a view to fulfilling the obligation mentioned by my hon. Friend.

ISLAND OF CYPRUS—HEALTH OF THE
TROOPS.—QUESTION.

MR. MONK asked the Secretary of State for War, Whether he is now prepared to offer any explanation of the discrepancies that exist between the statements made by Sir Garnet Wolseley to the War Office in his letters and telegrams relating to the health of the troops in Cyprus during the first fortnight in August last, and the official report of Surgeon General Home, dated "Nicosia, March 1st, 1879?"

COLONEL STANLEY: The statement telegraphed from Cyprus on the 10th of August by the Lieutenant General Commanding, "That the sickness in the force was 6 per cent of the strength," was derived from information given

him in the forenoon of that day by Sir Anthony Home, the principal medical officer. It referred to the sickness on August 9, and the statement is nearly the same as that made in the Parliamentary Paper of April 7, 1879, in which it will be seen that there were, on August 9, 170 sick in a strength of 2,699 non-commissioned officers and men, being 6·3 per cent. The fractional difference in the two statements is due to the omission of fractions in a telegram, the nearest whole number being given. The "morning states" of the camp are filed, and their accuracy tested afterwards. After that message was sent a sudden outburst of sickness occurred; and that news being telegraphed home by a newspaper correspondent about the same time as the Lieutenant General's message was published caused a misapprehension. The Return in the Parliamentary Paper shows that on the 9th of August the sick in the force were 6·3 per cent of the strength; in seven days—that is, on August 16—the rate had risen to 20·3 per cent. The two telegrams referred to different periods and to widely different conditions.

MR. MONK: You do not give any explanation of Surgeon General Home having stated that a quarter of all the troops in Cyprus were in hospital.

COLONEL STANLEY: I make the statement as I received it; but Sir Anthony Home states there were 20·3 per cent of the strength ill in the following week.

INDIA — ILLEGAL LOTTERIES IN
RACING SWEEPS.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, If the Secretary of State's attention has been called to the fact that, notwithstanding a judicial decision obtained some years ago, very extensive lotteries under the guise of race sweeps are still promoted by officers in Her Majesty's Service and others in India, so much so that it is stated in the public prints that the principal prizes in the Umballa Derby Sweep of the present year were about £6,000, £3,000, and £1,500, drawn by persons in Rangoon, Bombay, and Bengal, the parts of India farthest from Umballa; and, whether the Secretary of State proposes to take any steps to cause the suppression of these illegal practices?

MR. E. STANHOPE: In November, 1877, the Government of India passed a Resolution concurring with the opinion expressed by the Government of Bengal as to the mischievous character of these lotteries and race sweeps, and requesting the local Governments to enforce the law uniformly against their being advertised in the newspapers. If, therefore, these lotteries are advertised—of which I have no certain knowledge—I am afraid that the law is not yet fully enforced; but my noble Friend the Secretary of State will make inquiry on the subject.

THE HERRING TRADE—BRANDS.

QUESTION.

MR. GRANT DUFF asked the Secretary to the Treasury, Whether his attention has been called to the loss incurred by a firm engaged in the herring trade, in consequence of a number of barrels of herrings which had received the brand having been rejected as unfit for food; and, whether directions would be given to the Scotch Fishery Board to insist upon greater care on the part of its officials?

SIR HENRY SELWIN-IBBETSON: My attention was called to the case referred to; but as it appeared, on inquiry, that the herrings had been branded and exported five months before complaint was made against them, and that there was nothing to show what treatment they had received during these five months, I considered there was no ground for imputing carelessness to the officials who had affixed the brand. I am assured by the Board of Fisheries that every care is taken to test the quality of the herrings that are branded; and I do not think the facts of the case to which the hon. Member refers are such as to call for a special order to the officials.

BANKING AND JOINT STOCK COMPANIES BILL.—QUESTION.

MR. ORMEROD WALKER asked Mr. Chancellor of the Exchequer, Whether there is any foundation for a report that appeared in a provincial paper to the effect that it was not the intention of the Government to proceed with the Banking and Joint Stock Companies Bill this Session?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that there was no foundation for the report that the Government would not proceed with the Bill. It was the full intention of the Government to proceed with it; but in consequence of the pressure of Business he was unable at the present time to fix a date for taking it.

ARMY—BILLETING THE 7TH DRAGOON GUARDS.—QUESTION.

SIR ARTHUR HAYTER asked the Secretary of State for War, The reason for billeting a detachment of the 7th Dragoon Guards, numbering 206 officers and men with 119 horses, after 11 p.m. on the night of the 17th of June, upon the public houses in Bath; whether the serious inconvenience occasioned by the necessity of providing accommodation and food at so late an hour might not have been obviated by quartering the troops at Bristol upon their landing from Ireland; and, whether steps will be taken to guard against the arrival of troops at so late an hour in future?

COLONEL STANLEY: Her Majesty's ship *Assistance*, with the detachment in question, only arrived at Avonmouth on June 17 in time to allow of the troops disembarking at 5 p.m. So soon as this was known at head-quarters the officer commanding was directed by telegraph to arrange to keep the detachment on board until the following morning. The troops, however, had started on the march, in obedience to their former orders, before the telegram reached Avonmouth. The occurrence of any inconvenience of this character is, I understand, extremely rare. It is impossible to fix the exact date and hour of arrival in movements by sea, and, therefore, each contingency must be dealt with as it arises.

POOR LAW (IRELAND)—COOTEHILL UNION.—QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, On what grounds the Local Government Board of Ireland refused to order an investigation regarding the supply of coal to Cootehill Union about twelve months ago, their only informant on the subject being the clerk to the guardians, whose conduct was impugned by a number of the guar-

dians; and, if he will now instruct the Local Government Board to reconsider their decision, and to order an inquiry?

MR. J. LOWTHER: I find that the facts are not quite accurately stated in the Question, as the clerk of the Guardians was not the only informant of the Local Government Board, the complaint being referred to the Guardians themselves and by a majority declared to be unfounded. However, since my attention was called to the matter by the Question of the hon. Member, I am inquiring into it in order to see whether any further investigation is called for.

GRAND JURIES (IRELAND)—COUNTY DOWN GRAND JURY.—QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, If, on inquiry, he finds the charges made in the "Belfast Morning News" of 20th March last against the County Down Grand Jury of accepting tenders for printing at a considerably higher rate than another tender, he will instruct the Law Officers of the Crown to institute legal proceedings, civil or criminal, against said Grand Jury?

MR. J. LOWTHER: The Government have no power to institute legal proceedings, either civil or criminal, against Grand Juries. I am glad, however, to find that, in the case alluded to by the hon. Member, there would be no occasion to exercise any such power if it existed. The facts appear to be that two tenders were lodged with the Grand Jury of the County Down for the county printing. One was from a Mr. Reid for £323 odd, and the other from a Mr. Clarke for £350 odd. The tenders were investigated by a committee of the Grand Jury; and, having regard to the advantage of having the printing work done in the Assize town, where there would be greater facilities for correction and superintendence, and other circumstances, the higher tender was unanimously adopted. The printing contract, along with other presentments, was, in the usual manner, filed by the Judge of Assize, previous to which any person desiring to call the matter in question would have had a full opportunity for so doing. Nobody, however, took any exception to the course adopted by the Grand Jury, which appears to me to have been a very proper one.

METROPOLIS—METROPOLITAN BOARD OF WORKS AND THE NEW STREET FROM CHARING CROSS TO TOTTENHAM COURT ROAD.—QUESTION.

MR. FAWCETT asked the Chairman of the Metropolitan Board of Works, Whether, considering that sanction was given by Parliament in 1877 to the construction by the Metropolitan Board of Works of a new street from Charing Cross to Tottenham Court Road, he can inform the House when the street will be commenced, and what is the probable time that will be required for its completion?

SIR JAMES M'GAREL-HOGG: I am sorry to say that I am unable to give my hon. Friend the information he seeks. I may, however, remind him that the street from Charing Cross to Tottenham Court Road is but one of 12 improvements sanctioned by the Act of 1877, some of which are now far advanced, many hundred claims having been received and settled. The Charing Cross improvement has not yet been dealt with; and I may mention that, in consequence of the stringent clauses in the Act of Parliament requiring the Board to procure the erection of buildings to accommodate 5,497 of the labouring classes who will be displaced in this and the other western improvements, much difficulty will be experienced in carrying into effect the powers of the Act, unless nearly all the building sites fronting the new street are appropriated to the purpose and disposed of at a mere fractional part of their market value, a course of proceeding which, I venture to think, was never contemplated by Parliament, and which would spoil the appearance of what ought to be one of the finest thoroughfares in the Metropolis. The Board, I may add, have been in communication with the Home Secretary on the subject; and I hope some progress may soon be made in an improvement for which the Metropolis is so much indebted to my hon. Friend.

**THE LATE PRINCE IMPERIAL.
QUESTION.**

SIR WILLIAM FRASER asked the Secretary of State for War, Whether he will state the precise position of the late Prince Imperial in, or in connection with, Her Majesty's Army at the time of his

death; and, whether he will give the name and rank of the Officer by whom the Prince was detailed on the 1st of June for the specific duty in the performance of which he lost his life, as stated in Lord Chelmsford's despatch?

COLONEL STANLEY: I am sorry to say I must still repeat the same answer which I gave to my hon. Friend the other day. I have not received any information which will justify me in giving a definite answer on these points.

INDIA (FINANCE &c.)—THE FIVE PER CENT LOAN.—QUESTION.

SIR CHARLES MILLS asked the Under Secretary of State for India, with reference to the announcement that the Secretary of State for India in Council will, in July 1880, pay off the whole of the 5 per cent loan now outstanding. Whether he is in a position to give any information as to the terms and conditions which will be offered to those holders of that stock who may be desirous of accepting India Stock at a lower rate of interest?

MR. E. STANHOPE: The terms and conditions shall be announced towards the close of the year, and ample time shall be given to all trustees and others holding the Five per cent Stock, to consider the conditions of conversion which may be offered by the Secretary of State in Council. These terms must depend, to a very great extent, on the state of the Money Market at the time; but I may say that it is in contemplation to issue a Three-and-a-Half per cent Stock for that purpose, into which holders of Five per cent Stock will be allowed to convert at a price to be fixed hereafter.

LICENCES (IRELAND).—QUESTION.

MR. B. WHITWORTH asked Mr. Attorney General for Ireland, What action, if any, the authorities intend to take in regard to the seven day licences issued in October last by Mr. Cathcart, of the Inland Revenue Office, Dublin, to holders of six day licences, the Court of Queen's Bench and the Court of Appeal having decided in the case of *Egan v. Cathcart* that such action was illegal?

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON): Sir, I do not think it would be desirable to take any action during the period purported to be covered by the licences referred to;

Sir William Fraser

but, having regard to the recent decisions, it may probably be argued next October that the holders are only entitled to receive six-day licences.

GRAND JURIES (IRELAND) BILL.

QUESTION.

SIR THOMAS M'CLURE asked the Chief Secretary for Ireland, If he would name an early day to proceed with the Grand Juries (Ireland) Bill, as it would be desirable to have a discussion on it before Members leave town to attend Grand Juries in Ireland?

MR. J. LOWTHER: I am sorry to say that, in the present state of Public Business, it is not in my power to name a day for the discussion of this Bill.

SOUTH AFRICA—THE ZULU WAR—PEACE NEGOTIATIONS—LATEST TELEGRAM.—QUESTIONS.

MR. RICHARD asked the Secretary of State for the Colonies, Whether he can give any information to the House as to the peace negotiations which, according to the latest intelligence from Natal, were going on between Lord Chelmsford and the Zulus; whether he is able to communicate to the House the terms of the ultimatum sent to Cetewayo; and, whether those terms are in accordance with the instructions given to Sir Garnet Wolseley?

SIR MICHAEL HICKS-BEACH: The latest information that I can give to the House is contained in a telegram from Lord Chelmsford to Sir Bartle Frere, dated June 6th. The telegram is as follows:—

"Telegram from Lord Chelmsford to Sir Bartle Frere, 6th June.

"Cetewayo's messengers left to-day with following message:—He must at once give proof of being in earnest in desiring peace. Proof to be—1st, two 7-pounder guns and the oxen now with him, taken from us, to be sent in with the Ambassadors; 2nd, a promise from Cetewayo that all the arms taken during the war, &c., when collected, shall be given up; 3rd, one regiment to come to my camp and lay down its arms, as a sign of submission. Pending Cetewayo's answer there will be no military operations on our part. When he has complied with them I will order cessation of hostilities pending discussion of final terms of peace."

With regard to the last Question of the hon. Member, Sir Garnet Wolseley is invested with full discretion on such a matter as this, subject, of course, to the directions which he has received from

Her Majesty's Government, which were that it should be his first duty on arrival to examine carefully such overtures as might purport to come from the Zulu King, and encourage any *bond fide* proposals which might afford a reasonable prospect of a satisfactory peace.

SIR ROBERT PEEL: When was that telegram received?

SIR MICHAEL HICKS-BEACH: I think on Friday.

MR. SULLIVAN: I wish to ask, in connection with these guarantees which Cetewayo is asked to give of his being desirous to effect peace, Whether our troops and our commanders are to give any guarantees as to their desire to make peace?

SIR MICHAEL HICKS-BEACH: I am afraid that I have given the House all the information that I possess.

MR. COURTNEY: With reference to the statement that no hostilities will be carried on until an answer has been received, the right hon. Gentleman did not mention whether there was any limit as to time?

SIR MICHAEL HICKS-BEACH: I have no information upon that point.

DISTURBANCES IN CONNEMARA (CLIFDEN).—QUESTIONS.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, What are the circumstances under which an armed police force was marched into the town of Clifden on the eve of a proposed Tenant Right Meeting last week, and marched out again on a journey of fifty miles a few days afterwards; and, whether, in consequence of this demonstration, the proposed meeting was abandoned under the fear of police coercion?

MR. J. LOWTHER: The Clifden district, as the hon. Member is aware, has been for some time in a disturbed state in consequence of religious feuds, altogether disconnected with the causes which have led to disorder in other parts of the same county. Some persons charged with participation in disturbances arising out of these sectarian feuds were to be brought up for trial at Clifden on a particular day, and about the same time a meeting was announced to be held upon the subject referred to by the hon. Gentleman. As upon some occasions, in the same neighbourhood, small

detachments of police had been attacked and obliged to fall back upon their supports, the Government felt it their duty to take the necessary steps to obviate any risk of the recurrence of any such untoward proceedings; and, accordingly, a strong force was despatched to the spot, and as soon as the occasion for its presence ceased it was withdrawn. As to the latter part of the hon. Gentleman's inquiry, whether the proposed meeting was abandoned in consequence of the presence of the police? I understand that the meeting was abandoned, but from other causes.

MR. MITCHELL HENRY: Would the right hon. Gentleman allow me to ask him to inform the House if there has been, on any occasion, a collision between the police and populace on the occasion of a tenant-right meeting?

MR. SULLIVAN: Before the right hon. Gentleman answers, I will ask him if the attacks on bodies of police, who had to retire, in the main consisted of one constable, who retired on his barrack?

MR. J. LOWTHER: As to the Question asked by the hon. Member for Galway, I was in hopes that I had succeeded in explaining that the disturbances which occurred in the Clifden district were wholly due to sectarian causes. With reference to the inquiry of the hon. and learned Member for Louth, I may say, without going into any details—which I could scarcely do upon the present occasion—that the attacks I alluded to as having been made upon small detachments of police were made upon more than one individual, in one case, certainly, upon four or five.

ARMY—PASSAGE MONEY OF OFFICERS. QUESTION.

MAJOR O'GORMAN asked the Secretary of State for War, Whether a military officer who, from service abroad, has returned home on leave at his own expense, and has in obedience to orders served at the depôt and from this duty is transferred by the Commander in Chief to a newly formed battalion and proceeds with that battalion to service in South Africa, is required to pay the passage of the officer who is appointed to replace him in his former corps?

COLONEL STANLEY: Officers who come home from foreign stations on leave of absence on private affairs are

liable to pay their own passages back to their corps, unless while at home they are appointed to the dépôt of their corps and serve there for two years. If they quit the Service, exchange to another corps, or are transferred to another corps at their own request, they pay the passage of the officer who succeeds them, unless they have served two years at the dépôt. This statement applied to the present time; but the case referred to by the hon. and gallant Member occurred in 1841, and he had not had time to inquire into the practice at that time.

ARMY—THE AUXILIARY FORCES—THE VOLUNTEERS.—QUESTION.

Mr. LEIGHTON asked the Secretary of State for War, Whether the proposed allowance of two shillings for each efficient volunteer for every day of his service in camp will be paid this year; and, whether he will make arrangements by which the grant earned by volunteer companies shall be paid within the same year in which it is earned instead of the year after?

COLONEL STANLEY: A regulation has been drafted on this point; but until it has received the sanction of the Lords Commissioners of the Treasury I am unable to give a definite answer to the Question of my hon. Friend.

ARMY DISCIPLINE AND REGULATION BILL—THE "NAVY CAT."
QUESTION.

Mr. PARNELL asked Mr. Chancellor of the Exchequer, If he can inform the House whether the endorsement now attached to the "Navy Cat" exhibited in the Cloak Room is the same as was attached to it when at the Admiralty previous to the night of Thursday last; if not, whether he can state by whose directions a different endorsement was substituted; if no order to that effect was given, whether he will cause inquiry to be made, so as to ascertain the party responsible for the suppression of the original endorsement; and, if he can inform the House by whom and when the words "never used" were added to the endorsement attached to the "Duke of Wellington" cat?

Mr. W. H. SMITH: As I am responsible for this matter, perhaps the

Colonel Stanley

hon. Gentleman will allow me to reply to this Question. The label, and not the endorsement, attached to the "Navy Cat" is not the same as that which the hon. Gentleman the Member for Dundalk (Mr. Callan) saw at the Admiralty. That label I will read to the House. It is—"N. S. 2383—1877—No longer required." Well, it appeared to the Board of Admiralty that this would give no information to the House; and we thought, therefore, it was better that we should give the information to the House which would really enable the House to understand what it was they had before them. We, therefore, put on the label an endorsement that this is the cat which is approved and used in Her Majesty's ships for the usual punishment prescribed by the Queen's Regulations for marines and seamen afloat. I have not given the exact words applied to it; but I can state to the House that it is the "cat" which is, and has been, used in the Service for the usual punishment prescribed in the Queen's Regulations and approved by my Predecessors. I may take this opportunity of saying that the words "never used" added to the label attached to the "*Duke of Wellington* Cat" were also supplied by the Secretary to the Admiralty by order of the Board for the information of the House. It seemed to me desirable that the House should have all the facts before it. I may also take this opportunity of further saying that the "Marine Cat," to which reference has been made, has, I am glad to say, never been used at all—no punishment has been inflicted with it.

Mr. CALLAN gave Notice that tomorrow he would ask the First Lord of Admiralty, Whether he would cause further inquiry to be made as to whether the label which he read was affixed to the "Navy Cat" when he saw it at the Admiralty on Thursday?

ARMY DISCIPLINE AND REGULATION BILL—FLOGGING.—QUESTION.

Mr. MILBANK asked, Whether the Secretary of State for War was aware that in flogging a soldier in the Army half the cuts were constantly given with the right hand, and that then a left-handed man was put on to complete the number, thus giving the man double the pain and double the punishment?

COLONEL STANLEY: I cannot say that such a thing has never occurred; but I am certain it is not the practice.

MR. CALLAN: Sir, I beg to give Notice that to-morrow I shall ask the Secretary of State for the Colonies, Whether his attention has been called to an extract from a letter which appeared in the "Darlington and Richmond Herald" of Saturday last, from Private Frank Carroll, son of Mr. F. Carroll, of Bishop's Wearmouth, in sending home an account of the relief of Ekowe, in which he took part, and in which he says—

"You must not say a word up here or you will get flogged. There are two or three floggings every morning before breakfast."

Private Carroll adds to this interesting details of the pleasures of soldiering in South Africa, and somewhat unnecessarily advises—"Tell all at home to go to prison rather than become soldiers. It is an awful life;" and, if so, whether the right hon. Gentleman will inquire into facts, or say whether any report of these floggings has been made to the War Office?

MR. PARNELL: Sir, I beg to give Notice that to-morrow, after the asking of the Question of which Notice has just been given by the hon. Member for Dundalk, I will ask the Secretary of State for War, If he will take steps to protect Private Frank Carroll from the consequences of the writing and publication of the letter referred to?

COLONEL STANLEY: During the discussion of Clause 44 of the Army Discipline and Regulation Bill, I said I would state, on the consideration of the Schedules, the crimes for which corporal punishment should be awarded. After full consideration with my Colleagues, and with the military authorities, we have come to the conclusion that we can confine corporal punishment to offences punishable, under the provisions of the Act, with death.

DUTCH HAY—NAVY CONTRACTS.

QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, seeing that hay, if sound and properly stored, will keep sound for much more than one year, If he has caused any investigation to be made in order to find out who is to blame either for careless buying or care-

less storing of the parcel of Dutch hay through which public money has been squandered; and, if he will lay upon the Table a Return showing the detail of the transaction, cost, expenses, realization, and loss?

MR. A. F. EGERTON, in reply, said, this hay was purchased by the late Director of Navy Contracts, and the damage it sustained was not attributable to careless storing, but to its having been wetted in transit. The Return asked for would be presented as soon as the accounts had been closed.

SOUTH AFRICA—THE WAR—ALLEGED CRUELITIES.—QUESTIONS.

SIR WILFRID LAWSON asked the Secretary of State for War, Whether he has reason to believe the statement of a Cape newspaper, the "Watchman," that in the Mairosi campaign our forces had smoked to death nine men and boys in a cave; and, if so, whether Her Majesty's Government have given any sanction to this war being carried on this manner?

COLONEL STANLEY: I have not been able to obtain any information on this subject which I can give the House.

SIR WILFRID LAWSON: Will the right hon. and gallant Gentleman inquire?

COLONEL STANLEY: I will communicate with the Secretary of State for the Colonies; but my impression is that these officers belong to the Colonial Forces.

SIR MICHAEL HICKS-BEACH: With the permission of the House I will reply to the hon. Baronet. I have seen the paragraph which he has quoted. The Forces engaged in the war against Mairosi, to which it relates, are not in any way responsible to my right hon. and gallant Friend, nor, indeed, to Her Majesty's Government. They are in the pay and employment of the Colonial Government of the Cape; and, with regard to their actions, I could only remonstrate with the Cape Government, if I saw any necessity for doing so. It appears, however, that what occurred was this. Certain persons, Basutos, occupied a cave, and it was found necessary to dislodge them. They stated that they were ready to surrender, and some of the Colonial Forces entered the cave with the view of helping them

hend such suspected person, and forthwith to bring him before a court of summary jurisdiction ;”

and, by a subsequent provision, a reward of £2 was to be given for the apprehension of such suspected person, if he proved to be a deserter. Now, in his opinion, that was a very dangerous power to give. By the clause, power was given to anybody to apprehend a man as a deserter if, at least, there was reasonable suspicion, or if he chose to say he had reasonable suspicion. In fact, it seemed to him that the clause could not be retained for a moment in its present shape, for it gave vague and indefinite power which would lead to complication. There was nothing to prevent him (Mr. Parnell) going into the Westminster Palace Yard and apprehending whoever he pleased, if he were to state that he believed him to be a deserter. Why not leave the clause as it originally stood? He had placed a subsequent Amendment on the Paper, which would allow an officer or soldier, if they could identify any person as a deserter, to apprehend him; but the Committee would observe there was a very wide difference between being able to identify a man as a deserter, and having reasonable suspicion that he was a deserter. He hoped the Secretary of State for War would be able to assent to the Amendment.

Amendment proposed, in page 79, line 21, to leave out from the word “constable” to the word “person,” in line 22, inclusive.—(Mr. Parnell.)

Question proposed, “That the words proposed to be left out stand part of the Clause.”

COLONEL STANLEY could not assent to the proposal with respect to the apprehension of deserters by constables alone. If it were carried, an officer and soldier would be unable to apprehend a soldier they knew to be a deserter.

MR. E. JENKINS said, the right hon. and gallant Gentleman had misunderstood the object of the hon. Member for Meath. The hon. Member had put on the Paper a second Amendment, by which he proposed to give power to officers or soldiers to apprehend a man if they were able to identify him as a deserter.

MR. PARNELL remarked, that if the right hon. and gallant Gentleman had

only looked at his Amendments, he would have seen that provision was made for the case he contemplated.

MR. HERSCHELL said, there was some danger in allowing a soldier to apprehend a man as a deserter on reasonable suspicion, considering that they gave him a reward for doing so. The other day the hon. and gallant Gentleman the Member for Ayrshire (Colonel Alexander) stated that, in his practical experience, there was very great danger in giving a soldier power to arrest a man on reasonable suspicion. He (Mr. Herschell) thought that power might be given to a soldier or officer to apprehend a person who was known to be a deserter.

COLONEL ARBUTHNOT said, that if the Amendment were carried, a man on service might desert from the advanced post, and a soldier or non-commissioned officer would be absolutely precluded from arresting him. [“No, no!”]

MAJOR NOLAN said, the hon. and gallant Gentleman had misunderstood the object of the Amendment. An officer or soldier would always be justified in apprehending the right man.

MR. RYLANDS said, they must ask the right hon. and gallant Gentleman to give some attention to the clause, because it was open to serious objection. He saw great objection to giving the opportunity to persons to apprehend men on mere suspicion. This was a point upon which the hon. and learned Attorney General might, with advantage, give his opinion.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) had pleasure in responding to the appeal of the hon. Member. The clause provided that if an officer, or soldier, or other person had reasonable suspicion that a man was a deserter, he had power to apprehend him. The man must not only be suspected of being a deserter, but the suspicion must be founded on reasonable grounds, in order to justify the apprehension. That being so, it did not appear to him that there was any valid objection to the clause.

Question put.

The Committee divided:—Ayes 254; Noes 62: Majority 192.—(Div. List, No. 151.)

MR. CHAMBERLAIN rose to move that the Chairman do report Progress.

out, when they were fired upon. Then it was that the fire was re-lit at the entrance to the cave, and these deaths occurred. I merely state that, because it, to some extent, explains what happened; but I shall take care to get a full report upon the matter.

CRIMINAL LAW—THE EUSTON SQUARE MURDER.—QUESTION.

SIR WILLIAM FRASER asked the Secretary of State for the Home Department, Whether he would, by the offer of reward or pardon to an accomplice, or by other means, endeavour to obtain conclusive evidence as to the cause of death of the person whose remains were found at 4, Euston Square, on the 9th of May?

MR. ASSHETON CROSS: I have had no Report from the Treasury, or the Law Officers, or the Judge, with regard to this case. If, from anything I should hear, I should have any reason to believe that the offer of a reward will produce a satisfactory result, I shall offer one.

PARLIAMENT — PRIVILEGE — NOTE-TAKING IN MEMBERS' SIDE GALLERY.—QUESTION.

MR. CALLAN: I beg to ask Mr. Chancellor of the Exchequer a Question, of which I have given him private Notice—namely, Whether his attention has been called to a special telegram which appeared in the "Cork Examiner" on Saturday last, to this effect—

"To-day and yesterday a stranger, believed to be an official employed by the Government, sat in a side gallery of the House of Commons, and took a note of everything said by a number of Irish Members. It is said that the Government seriously meditate proceeding against these Members on an indictment charging them with malicious, un-Parliamentary, and unlawful obstruction and derangement of Public Business;"

whether such official was employed by his directions, or with his knowledge; whether he can inform the House that the official so employed to report on Members of this House was an officer of the House; and, whether he was so employed for the purpose stated in the special telegram?

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member says that he gave me private Notice of this Question.

Sir Michael Hicks-Beach

He certainly showed me a paper a moment ago behind the Chair, and I have not even had time to read through the paragraph. At the same time, I know nothing upon the subject; but it appears to me to be a matter upon which you, Mr. Speaker, would probably be the right person to appeal to.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 5th July.*]

Bill considered in Committee.

(In the Committee.)

Legal Penalties in Matters respecting Forces.

Clause 147 (Apprehension of deserters or absentees without leave).

SIR ARTHUR HAYTER moved, in page 79, lines 19 and 20, to leave out "or absentee without leave." That Amendment, he said, followed upon an Amendment of the right hon. and gallant Gentleman the Secretary of State for War had already acceded to, and would apply to all cases of absence without leave which occurred in the present clause.

Amendment agreed to.

MR. PARNELL moved, in page 79, line 21, to leave out from the word "constable" to the word "person," in line 22, inclusive. He wished to restore the law to the same condition in which it existed in former times under the Mutiny Act, which was passed at the beginning of the present Session, when it was only possible for a constable to apprehend deserters. He had made his Amendment somewhat different to that which he put on the Paper on Sunday morning, as he found that that Amendment would not answer the requirements of the case. If hon. Members would look at the clause, they would find that it provided—

"That upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or soldier, or other person, to apprehend him."

ported to have said that the right hon. and gallant Gentleman had promised a statement which would be satisfactory, and that those words were used by him in the face of the knowledge that almost the whole of the opposition to the present measure was directed against the practice of flogging; and in *The Daily News* it was reported that the Secretary of State for War admitted having used these words. He would be in the recollection of many hon. Members who were present on Saturday when he said that, finally, he rose and said that, having heard the admission of the right hon. and gallant Gentleman, he remained of opinion that the interpretation he placed on his words was correct—that the practice of flogging was to be entirely abolished, and, under these circumstances, he would withdraw the Amendments he had put on the Paper. It was a matter of the first importance that right hon. Gentlemen occupying positions as Ministers of the Crown should carry out their engagements, not merely in the letter, but in the spirit; and, inasmuch as the interpretation he placed was allowed to be put on the words of the right hon. and gallant Gentleman, and inasmuch as no hon. Gentleman rose to contradict his interpretation, he considered the Committee was justified in assuming—as many hon. Gentlemen on both sides of the House did assume—that the practice of flogging was to be abolished. [“No!”] Well, he had not the least doubt that some hon. or right hon. Gentleman would get up and confirm what he said; but he appealed to his hon. Friends around him, who were present on Saturday, whether he had not correctly stated what then occurred? What was the proposal which the Government made? Instead of proposing to abolish flogging absolutely, they told the House they would retain flogging only for those offences for which death might be given in the Bill. Was the Committee aware of the nature of the offences for which death might be given? Why, in one clause, as they already knew, death might be inflicted for forcing a safe-guard. No one seemed to know what forcing a safe-guard meant, and perhaps it was not a matter of great importance. There were, however, some things much more serious; because, under the 6th clause of the Bill, death might be inflicted on

“Any person who commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving.”

Was it conceivable that any hon. Gentleman approved of a clause so general in its terms?

MR. ASSHETON CROSS rose to Order, and inquired if it was competent for the hon. Member to discuss the provisions of the Bill which had already been dealt with?

THE CHAIRMAN said, the hon. Member for Birmingham was merely referring to the early clauses of the Bill, with the view of advancing the argument that Progress should be reported; otherwise the hon. Gentleman would not be in Order in discussing the merits of any clause of the Bill except the one at present before the Committee. He could not see that the hon. Gentleman was out of Order in thus merely referring to the clause.

MR. CHAMBERLAIN said, that under sub-section 7 of Clause 4 death might be inflicted on anyone who

“Misbehaves or induces others to misbehave before the enemy in manner in this Act not specifically mentioned.”

Now, his general argument was that the meaning of the two clauses to which he had referred was so general that it might be possible to inflict death for offences of the most trivial character. But no commanding officer would ever think of inflicting death for these offences; whereas he would inflict flogging if it were only retained. Not only was the concession of the right hon. and gallant Gentleman out of accord with what was understood to be the legitimate interpretation of his words on Saturday, but in itself it was thoroughly unsatisfactory, and could not be accepted by those who opposed—as he opposed—the practice of flogging. He hoped the Government, having given up so much, would not further delay the progress of the Bill in order to keep a mere remnant of a practice, the necessity of which they had admitted, by concessions already made, to be over-estimated.

COLONEL STANLEY said, his conscience was quite clear on this matter. The hon. Member for Birmingham had given a description accurate, or nearly accurate, of the proceedings of Saturday last. They arose in this way. The Committee were then discussing the question of corporal punishment in pri-

["Oh, oh!"] He did not do so with any intention of pressing the Motion to a division, but in order to call attention to the statement which was made to the House, when Mr. Speaker was in the Chair, by the right hon. and gallant Gentleman the Secretary of State for War. He was, unfortunately, out of the House when that statement was made; otherwise, he would have risen at once in his place and offered the remarks he was now about to make. He thought the statement of the Secretary of State for War was one which must have taken many hon. Members of the House by surprise, and must have caused great disappointment, especially to those hon. Gentlemen who were present during the early portion of the debate on Saturday morning. On that occasion they distinctly understood—he did not mean to say that they obtained a pledge from the right hon. and gallant Gentleman to that effect—they distinctly understood that Her Majesty's Government intended to abolish the punishment of flogging. ["Oh, oh!"] He said they (the Opposition Members); he was not speaking for hon. Gentlemen opposite. He was speaking for himself, and for many hon. Members on both sides of the House. Now, he begged to call the attention of the Committee to what took place on Saturday. At the commencement of the proceedings he made an appeal to the Government to re-consider the whole question, and asked them whether they thought it worth while to still further delay the progress of the measure by endeavouring to maintain the flogging clauses? Almost immediately, the right hon. and gallant Gentleman got up and made a statement, in which there occurred the words—"He hoped very shortly to make a statement to the House, which would be satisfactory to hon. Members on the opposite of the House." ["No, no!"] He admitted, in passing, that there might be some contest as to the words; but he was giving what he understood to be the statement of the Secretary of State for War. Immediately after that statement, he (Mr. Chamberlain) rose in his place, and said he understood the statement of the right hon. and gallant Gentleman to indicate the intention of the Government to abolish flogging altogether, and that, under these circumstances, he, for one,

Mr. Chamberlain

proposed to withdraw any further opposition to the Bill. The right hon. Baronet the Member for Tamworth (Sir Robert Peel) rose and explained that he had understood the statement of the Government in the same way; and, not only so, but the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) demanded that the Government should make a clear expression of opinion if they did not agree with what he (Mr. Chamberlain) had said. The Government remained silent; but at a later period of the Sitting he begged the hon. Member for Meath (Mr. Parnell) to withdraw the Amendments he had upon the Paper to stop the progress of the Bill. He did so, on the ground that the statement previously made justified them in assuming that the punishment of flogging was to be entirely abolished. The hon. Member for the West Riding (Mr. C. Beckett-Denison) urged the Government not to leave the matter in any ambiguity, because if they did there was certain to be disagreement and trouble subsequently. The right hon. and gallant Gentleman then said he would repeat what he had previously stated. But he omitted—unintentionally, no doubt—the most important sentence of his former statement—namely, that he hoped the statement he had shortly to make would be satisfactory to hon. Gentlemen opposite. He (Mr. Chamberlain) re-called those words to the right hon. and gallant Gentleman's mind, and thereupon he admitted the accuracy of his recollection. That was the most important part of what took place on Saturday; and he had looked to the newspapers to ascertain what was reported to have been said on the subject. Unfortunately, as was too often the case, the report was very greatly abbreviated. He found in *The Times* newspaper—"Order!" He thought hon. Members of the House would bear with him, because it was very important that he should be correct. In *The Times* he found he was reported to allege that the right hon. and gallant Gentleman had said he would make a statement which would be satisfactory to hon. Gentlemen opposite, or words to that effect; and that the right hon. and gallant Gentleman, in reply, admitted having expressed a hope that his statement would be satisfactory to the House. In *The Daily News*, he (Mr. Chamberlain) was re-

ported to have said that the right hon. and gallant Gentleman had promised a statement which would be satisfactory, and that those words were used by him in the face of the knowledge that almost the whole of the opposition to the present measure was directed against the practice of flogging; and in *The Daily News* it was reported that the Secretary of State for War admitted having used these words. He would be in the recollection of many hon. Members who were present on Saturday when he said that, finally, he rose and said that, having heard the admission of the right hon. and gallant Gentleman, he remained of opinion that the interpretation he placed on his words was correct—that the practice of flogging was to be entirely abolished, and, under these circumstances, he would withdraw the Amendments he had put on the Paper. It was a matter of the first importance that right hon. Gentlemen occupying positions as Ministers of the Crown should carry out their engagements, not merely in the letter, but in the spirit; and, inasmuch as the interpretation he placed was allowed to be put on the words of the right hon. and gallant Gentleman, and inasmuch as no hon. Gentleman rose to contradict his interpretation, he considered the Committee was justified in assuming—as many hon. Gentlemen on both sides of the House did assume—that the practice of flogging was to be abolished. [“No!”] Well, he had not the least doubt that some hon. or right hon. Gentleman would get up and confirm what he said; but he appealed to his hon. Friends around him, who were present on Saturday, whether he had not correctly stated what then occurred? What was the proposal which the Government made? Instead of proposing to abolish flogging absolutely, they told the House they would retain flogging only for those offences for which death might be given in the Bill. Was the Committee aware of the nature of the offences for which death might be given? Why, in one clause, as they already knew, death might be inflicted for forcing a safe-guard. No one seemed to know what forcing a safe-guard meant, and perhaps it was not a matter of great importance. There were, however, some things much more serious; because, under the 6th clause of the Bill, death might be inflicted on

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COLONEL STANLEY said, his conscience was quite clear on this matter. The hon. Member for Birmingham had given a description accurate, or nearly accurate, of the proceedings of Saturday last. They arose in this way. The Committee were then discussing the question of corporal punishment in pri-

sons, which he then said was rather a question for his right hon. Friend the Home Secretary than himself; but as the general subject of flogging was raised incidentally, he ventured to say that he hoped, when the Schedules came under consideration, to make a statement which would be satisfactory. Whether he said "satisfactory to hon. Gentlemen opposite" or not, he was not prepared to say, and it might not be in Order to refer to newspaper reports of his words; but his impression was that he said he would make a statement which he hoped would be satisfactory. He had also pointed to other considerations—that means must be provided to maintain discipline in the Army; that he could not be placed between two fires by complaints being made that discipline was not kept up, while the means of doing this was refused. Then he went on to say that, after consultation with his Colleagues, he would be prepared to make an announcement which he hoped would be satisfactory. Then he was challenged by hon. Members, in various parts of the House, who accepted this, from their points of view, as an intimation of the entire abolition of the punishment of flogging. Well, after a certain time it became necessary for him to rise, and he then repeated, as far as possible with accuracy, what he had stated in the earlier part of the Sitting—namely, that he hoped, on the consideration of the Schedules, to make an announcement that would be satisfactory. But if his recollection served him right, he said he declined to be answerable for expressions of opinion it was attempted to fasten to his statements. To put it more conventionally, he refused "to be drawn;" his statement, he said, should be made on the Schedule, and that was his intention. Then something was said about it being desirable to make the statement as early as possible, and accordingly this had been done that afternoon. He thought that in defining—in limiting—the number of offences coming under the punishment, he had come to a decision which he hoped would have been satisfactory. He felt no scruples of conscience as to not having carried out an undertaking, if undertaking there was, given on Saturday. He had stated then what he was going to do, and he had carried that out since; and he now, as then, entirely declined to be bound by

Colonel Stanley

the interpretations of other persons, when he had done the best he could to fulfil what he promised.

THE MARQUESS OF HARTINGTON rose to suggest that discussion on the point raised by the hon. Member for Birmingham should be postponed until they reached a stage of the Bill on which the discussion could be more regularly raised. If there had been anything like a departure from an understanding arrived at—if there had been anything like the intention alluded to—he could understand why this point should be raised at the earliest moment. But, although some misunderstanding had arisen, no one could suppose for a moment that the right hon. and gallant Gentleman had any intention of conveying a false impression to the mind of any hon. Member in the Committee. He must say, for himself, his belief was—and it was shared by many hon. Members present when the statement was made—that there was no such definite pledge given as the hon. Member for Birmingham supposed. He did not say it might not be a proper subject of discussion what was the exact nature of the undertaking then given; but he wished to point out that they could not discuss it now without entering into the merits of the proposal just made. He understood that there was a disposition on the part of many Gentlemen on his side of the House, who had been strongly opposed to corporal punishment, to give a fair consideration to the proposal of the Government, and he thought it was desirable that they should take time to consider what was the limitation proposed by the Government. But if the Bill were proceeded with until the question could be more conveniently raised, then a great deal of time would be saved, and they would come to the Government proposal in a more satisfactory manner than in connection with the question raised by his hon. Friend. He was quite prepared, when the right time came, to state his views on the action of the Government; but, meanwhile, it would be more convenient to wait for another opportunity of discussing that new proposition.

SIR CHARLES W. DILKE was not able, personally, to speak as to the intention expressed on Saturday; for, although he heard one statement made, he was not present throughout the dis-

cussion. But the impression on his mind, from conversations with hon. Members who were in the House, was such that he had removed the Amendments standing in his name on the Paper, thus showing that the impression upon his mind was that the concession made by the Government was very great. But he could not regret that his hon. Friend had taken this early opportunity of correcting the idea that they were satisfied with the concession made. As a matter of fact, this was no new idea, and had been under consideration for some time. As had been said, they were well aware that a large number of offences had attached to them the punishment of death; but, then, no officer would take the responsibility of inflicting such a punishment for any than a most serious offence; but, when flogging was provided as an alternative punishment, flogging would be inflicted much more frequently.

Mr. OTWAY had not in any way altered the opinion he had before expressed, and his desire to get rid of the punishment; but he was bound to say the suggestion of the noble Lord was a desirable one to follow now—to stay any action at the moment until they had had time to consider the offences to which the proposal of the Government would apply. He was willing to admit that the right hon. and gallant Gentleman had shown a desire to meet the views of the Committee to a certain degree; but he could not admit that this desire had brought about a satisfactory result. The right hon. and gallant Gentleman had referred to the discipline of the Army, and he (Mr. Otway) had as little desire as anyone to interfere with that discipline; but his contention had always been that it was not necessary to retain flogging for the discipline of the British Army. He wished to put it before him, whether the discussions which had so frequently taken place in the House, and the language used about this abominable punishment, and the strong desire expressed on both sides to abolish it, when, if the soldiers read this, and became acquainted with the state of feeling in the House, their discipline would not be affected? If the Secretary of State for War had taken counsel only with his Colleagues—if he had not taken counsel with a larger number than his Colleagues—then he had no doubt

he would have seen his way to relieve the Army from a stigma which was attached to the British Army alone. He would get rid of the punishment which, in concession to the strong feeling expressed, he had reduced. Was it worth while to retain these 25 lashes, to be inflicted upon soldiers deserving of death? Let him, once for all, make up his mind, and obtain the credit of doing that which would give so much satisfaction to the Army and to the country. This Bill would then proceed, and be brought to a happy conclusion; for he had no doubt but that, this concession made, those who now opposed would assist the passage of the measure. He agreed with the proposition to reserve further discussion until the time for consideration of the offences to which the punishment was proposed to apply.

THE CHANCELLOR OF THE EXCHEQUER had never heard anyone give more good advice, and then immediately run away from it. The hon. Member rose to say he agreed with the noble Lord that the Committee should not allow itself to be drawn into discussion of the particular point raised by the hon. Member for Birmingham. The hon. Member, however, had certainly made an observation which would tend to raise the very debate which he deprecated. He hoped the Committee would not follow his example or his precept, but would allow the Bill to proceed without irrelevant discussion.

SIR ROBERT PEEL believed the hon. Member for Birmingham (Mr. Chamberlain) would agree that there were a good many more Members in the House now than there were on Saturday afternoon; but he felt bound, in justice, to say, in reference to what fell from the hon. Member for Birmingham, that he (Sir Robert Peel) certainly was under the impression which the hon. Member had conveyed to the House, and not only he, but his hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot) also was under the impression that the Government intended to give way. They never had the slightest idea that the punishment would be inflicted for offences for which it was now stated that it would be inflicted. In fact, the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) had already stated that he withdrew his Amendment on the faith

of the statement from the Treasury Bench. As regarded the proposal for postponing that discussion, it must be admitted that they had had enough of postponing. Nearly all the substantial points for discussion had been postponed; and he did not know what they would do when they came to the discussion of the postponed clauses. If they did not at once discuss the points they had before them, they would never get through the Bill at all. However much he might regret to differ from the noble Lord (the Marquess of Hartington), he thought it would be injudicious to postpone a discussion which would come most opportunely after the statement of the Secretary of State for War. It was clear that a scope for flogging was to be left which the Committee the other day never contemplated.

MR. RYLANDS thought it right to take some part in this discussion, inasmuch as he was a party to the discussion the other day; and, with all deference to the noble Lord the Leader of the Opposition, he was not quite able to agree with the course he had proposed. What was the best course for the progress of the Bill? It was quite impossible for them to make satisfactory progress with the Bill if they were treated by Her Majesty's Government in the way they had been treated. He did not for a moment charge the right hon. and gallant Gentleman (Colonel Stanley) with intentional misleading. No one could sit with the right hon. and gallant Gentleman without knowing that he was unable to be other than strictly conscientious in all his duty. But what he said about the right hon. and gallant Gentleman was this—that at that moment, when he made the statement on Saturday, he had it in his mind that the Government would take a course which they had not taken that day. The right hon. and gallant Gentleman said what was perfectly true—that his statement was to the effect that the Government were prepared to make certain concessions, which he hoped would be satisfactory. However, it was clear the impression was produced that the Government had intended to make great concessions upon this point. Then the right hon. and gallant Gentleman, being appealed to, got up and said that he would not be responsible for the interpretation which might be attached to his statement.

Sir Robert Peel

He said that in the face of the absolute statement of the hon. Member for Birmingham, in making an assertion which was entertained by the House generally, that the statement of the right hon. and gallant Gentleman did imply the concession that was intended on the Opposition side of the House. In his opinion, the right hon. and gallant Gentleman and the Government had intentions on Saturday which they had not fulfilled that day. No Member who was present, and heard what was said, would doubt his assertion. Many things had happened since then. Influences outside the Government had been brought to bear on the Government. They had had a caucus, and had taken counsel with their supporters. He was not able to speak on the matter from personal knowledge; but there was a general belief that the Government were strongly urged not to yield to the pressure put upon them by the Opposition side of the House. An impression was given on Saturday that if the punishment of flogging was retained at all it would be only for a few offences, which would be scheduled. It was understood that those disgraceful and abominable offences for which a man should be punished in time of war would alone be scheduled. They did not say anything about a Schedule of the minor offences included in the Bill. He must say that the present proposal was not one that could be satisfactory to the Committee, and was but another instance of what had been done on previous occasions. While the Government complained of obstruction, the way in which they conducted their Business certainly had the effect of causing great loss of time.

SIR WALTER B. BARTELOT thought he was bound to say a few words. The right hon. and gallant Gentleman had stated what took place. No doubt there were rumours in the Lobby that the Government were going to give in on this point. He put it explicitly to the Government, and asked them what they were going to do, because he thought it would be more satisfactory that the House should know what was going to happen, in case there should be some difference of opinion. He was bound to say the right hon. and gallant Gentleman had made a statement which he hoped would be satisfactory to

the House. It was his wish, and it had been his endeavour, to get that statement out. Members who had come down day by day, and hour by hour, had been supported with regard to this question, in many instances, by the front Opposition Bench and those that sat behind them. As to flogging being done away with, he should be delighted if that were possible; but there was not an officer in the field, nor those high military authorities who were responsible for the discipline of the Army, who would like to say that flogging should, under its restricted provisions in this Bill, be done away with.

MR. HOPWOOD said, he had some responsibility in this matter, and he was sure the Committee would bear with him while he said a word or two upon it. He was happy to think there was no difference between them as to what was said on Saturday. The only difference of opinion was as to what was meant. On the Treasury Bench that morning (Saturday) had taken place a consultation, in full view of the House, which seemed to be of great moment; and after that the right hon. and gallant Gentleman the Secretary of State for War proceeded to tell the House, with portentous deliberation, weighing, as he ought to do in his position, his words, that he should at a later stage of the Bill make a statement which would be satisfactory.

SIR WILLIAM FRASER asked, whether the hon. and learned Member could make distinct reference to a previous debate?

THE CHAIRMAN: The hon. and learned Gentleman is certainly in Order in referring to what passed in Committee on the Bill.

MR. HOPWOOD observed, that the right hon. and gallant Gentleman had said he was about to make a statement which he hoped would be satisfactory. He had assumed that that referred to the Opposition, and he took it as a personal compliment to those about him, considering that, as the hon. and gallant Baronet (Sir Walter B. Barttelot) had said, only a few had opposed the Government. And now the moment had come when this matter had been reviewed by the Government, as a Government responsible to the country, and they were prepared to advise the House as to what should be done. To

make any statement consistent with that declaration would have been to state that they were going to abolish the system of flogging. If it was anything else it would involve a considerable amount of difficulty; because there was no doubt that the statement made by the right hon. and gallant Gentleman did raise hopes in the minds of many, and led to the hon. Member for Birmingham withdrawing his Amendments. He had no doubt the change had been brought about by some hon. Members opposite; and he was quite willing, if hon. Gentlemen desired it, that the cat should be flourished in the face of the Tory Party at the next Election. He did not pretend to prophecy; but, surely, hon. Gentlemen would object to allow themselves to be responsible for the continuance of this contrivance to terrorize over men. It was reduced to the absurd and illogical position that there were only four offences, as to which death was not proposed as a penalty to deter the offender: as to the remaining number death was so proposed, and yet it was thought necessary to retain this punishment in order to deter him—in other words, though the fear of death would not deter, dread of flogging might. A more futile argument in support of such a punishment as that it was impossible to conceive. If they knew the amount of agitation this subject was producing they would get rid of it as soon as possible.

MAJOR NOLAN wished to know if the House was still to have the offences named in a Schedule?

COLONEL STANLEY replied, that having given a promise to the Committee to put them in a Schedule, he would put them in a Schedule.

MAJOR NOLAN said, if they were to retain flogging at all it was absurd to have it for some of these offences. There was one clause which said that any soldier disobeying lawful command should suffer death. No one supposed that death would be inflicted in such a case.

THE CHAIRMAN: I must point out to the hon. and gallant Member that he appears to be entering into the merits of the clause. I have to guard the Committee against the possibility of debating the other clauses of the Bill.

MAJOR NOLAN said, it was only the effect of the clause on the present resolution that he proposed to refer to. He

only wanted the Committee to have it in their minds that, unless they looked carefully into the clause to see what it meant, they might find that it was wide enough to cover any offence at all.

MR. SULLIVAN thought it was due to the Government to say that the concession they had made was an important one. In the announcement that had been made that evening they had abolished flogging for three-fourths, if not five-sixths, of the cases in which flogging might have been inflicted. He was sorry the Government had not resolved to abolish flogging altogether; for he did not believe that it tended to the efficiency of the Army, or to the good of the country. If that was so, what was to be obtained by the announcement made that evening? It was three years ago since the hon. Member for Leicester (Mr. P. A. Taylor), whose absence they deplored that evening, and the hon. and learned Member for Stockport (Mr. Hopwood), began the struggle which had led up to the announcement made that night. The "cat" was scotched; they meant to kill it. They had been wasting three weeks of precious public time, because they believed that the minds of the Government were in favour of the abolition, but that they were held back from making this humane announcement by the fear of military martinets outside the House. The Government ought to do these things more gracefully. When concessions were made grudgingly, and only after painful recriminatory discussions, they lost a great deal of their efficiency. He asked the Government to abandon this last miserable rag of this miserable torture. The Amendment of the hon. Member for Chelsea (Sir Charles W. Dilke) would appear on the Paper to-morrow, and he knew of some 20 or 30 Amendments that would be prepared within the next half-hour. They would resist this punishment of flogging for no purpose of obstruction. His intervention had been entirely on the flogging clauses. He could assure the Government that they would clear a great hindrance out of the way of the Bill, if they would to-night frankly abandon this last miserable vestige of a disgraceful punishment.

MR. JOHNSON said, he was glad the Government did not intend to abolish flogging in the Army. It was necessary

that power to inflict corporal punishment should be retained.

MR. JOHN BRIGHT said, the hon. and learned Member for Louth (Mr. Sullivan) had rather misunderstood the case. The hon. and learned Member considered that the statement of the Secretary of State for War was a great concession, and a remarkable reform in the Bill. But it entirely depended on another consideration—what were the offences for which, by this law, soldiers would be subject to the penalty of death? He understood that, by the clauses read by his Colleague, there was scarcely an offence in the field for which the punishment of death might not be inflicted. These clauses were passed because it was thought that no commanding officer in the English Army would put them in force. For instance, if a man took an egg out of a hen's nest, or took a chicken in passing through the enemy's country, or misbehaved himself in some equally immaterial way, or disregarded the order of a superior officer, the punishment of death might be inflicted. He presumed the Committee agreed to these clauses, and to these words, because they believed that it was impossible that for these offences the punishment of death would be inflicted. But if the right hon. and gallant Gentleman the Secretary of State for War said flogging should be inflicted in all cases in which the punishment of death might be inflicted, it seemed to him (Mr. John Bright) to open the door to flogging just as widely as it was opened under the old Mutiny Act. He understood there was to be a Schedule which should put down all the cases in which flogging should be employed. But, notwithstanding this Schedule, they were, it seemed, to refer to all the clauses which allowed death to be inflicted, and they included many more clauses than those for which the Committee would have allowed death to be inflicted by the Schedule. Therefore, he was driven to the conclusion that the whole thing the Committee had succeeded in doing was in reducing the lashes from 50 to 25. Under the proposition made that night, he believed that flogging might be as commonly and as unjustly inflicted in the Army as it had been in past years, and as it was at present. Therefore, he thought the Committee ought to see precisely where they were. He did not

Major Nolan

intend to say that they should report Progress, or that this was not a convenient time for discussing it. But it was worth while for the Committee to know that they were apt to fall into something like a trap if they thought this system was a great concession, and they would like to adopt it. The whole question was in such confusion, that he had an opinion there was only one rational course to pursue, and that was for the right hon. and gallant Gentleman to bring a Schedule into the House in which they should state the cases in which the punishment of flogging should be inflicted. He believed it was impossible to make such a Schedule, giving a list of them, and materially altering the state of things that now existed; and, therefore, the only rational course for the Government was to abolish flogging altogether. The only question was, whether it should be done now or done later? and the delay would only add to the general feeling throughout the country of the want of generosity, humanity, and trust in their countrymen, which distinguished their treatment of the soldier. He believed there were officers—he knew some—in both Services who believed that flogging might be entirely dispensed with. Nobody was flogged on the Cunard or Peninsular and Oriental steamers; there was no occasion to flog in the ships belonging to the Imperial Navy; and if there was not in the ships, certainly there was not in the Army. He, therefore, begged to add his recommendation to all that had been said before to the right hon. and gallant Gentleman, to ask him to signalize the period of his tenure of office by a reform which would be thoroughly satisfactory to the country, and which in future years the right hon. and gallant Gentleman would look back upon as one of the most pleasant and honourable acts with which that tenure of office was associated.

THE CHANCELLOR OF THE EXCHEQUER could not help asking how long the right hon. Gentleman the Member for Birmingham had held the opinions he had just expressed; and, if they were opinions of long standing, why it was that when he was himself a Member of the Government he took no steps to give expression to those opinions? He could not say he thought they had done very wisely in entering into this discussion.

That was wisely deprecated by the noble Lord (the Marquess of Hartington); but some of the observations of the right hon. Gentleman were suggestive; and if they were to read them in the light of what had been said by the hon. and learned Member for Stockport (Mr. Hopwood), they might possibly connect the proceedings of right hon. and hon. Gentlemen opposite with some electioneering scheme. They had already said—his right hon. and gallant Friend had more than once said—that it was the intention of the Government to propose a Schedule specifying the offences for which flogging was to be inflicted; and when that Schedule came on that would be a convenient and proper time to discuss the proposals that the Government had made, and to consider the objections to them that might be entertained by hon. Gentlemen on the other side of the House.

MR. E. JENKINS said, perhaps it might be a question whether the electioneering agents of the Tory Party would be grateful for the remarks which had just fallen from the right hon. Gentleman. He could not help thinking that the course of the discussion had been one which would leave upon the country an impression which would be very unfavourable to Her Majesty's Government. He thought it hardly just that the Chancellor of the Exchequer should get up and charge the hon. Member for Birmingham (Mr. Chamberlain) with having raised an inopportune debate. The truth of the matter was, as was well known, that a large number of Amendments had disappeared from the Paper in consequence of the statements which were made by the Government on Saturday. But they now found, on comparing the statements made that afternoon with the Bill as it now stood, that the practical effect of the statements was that no concession was made at all. The question was, whether the Bill ought to be allowed to go on under those circumstances? because the battle now going on was for the purpose of removing a foul blot and disgrace from the British Army. If they spoke to any foreign officer, he would say he was surprised to hear such a barbarous punishment was allowed to remain. He read, with shame, in *The Figaro* the other day, a description by the artistic correspondent of that paper with the Army in South

Africa of a flogging which he witnessed there. The correspondent was unable to witness it nearer, and he looked through an opera glass, because his feelings would not allow him to be present. [*Laughter.*] He had no doubt hon. Members opposite had no sympathy with that sentiment; but he made them a present of it. He thought that every Englishman who read of such a scene being enacted in an English camp would feel that it was a disgrace, and that the sooner it was wiped out the better.

Mr. NEWDEGATE must say there had been expressions during the debate which made him anxious to remind the Committee that the majority must not be governed by the minority. They had seen too much of what he was afraid he must call the abuse of the Forms of the House. It was an abuse whenever the use of those Forms tended to incapacitate the House; and it was becoming more and more evident that a highly respectable minority were attempting to coerce the House into adopting their views, contrary to the convictions of the great majority of the House, by impeding the Business of the country. He hoped he had misinterpreted the expressions he had heard in the course of the discussion; but, if he had not, why, then, if this House intended to retain the position it had hitherto occupied, it must affirm its will—the will of the majority—against any attempt to interrupt its proceedings.

Mr. WHITBREAD would not ask the Committee to listen to a lecture on the abuse of its Forms, nor would he follow the Chancellor of the Exchequer by indulging in a smart, but ill-judged, retort. There might be a time and a place for that sort of thing; but this was not the time nor the place, if the right hon. Gentleman had the passing of the Bill at heart. It was hardly following up the temperate and wise counsel of his noble Friend. He would ask the hon. Member for Birmingham (Mr. Chamberlain), whether he did not now think this discussion might close? It had not been without use, because it had shown clearly to the Government what sort of concession would satisfy the Committee, and what sort would not. There could be no imputation upon the Government of a breach of faith; but what his side of the House really understood was that flogging would only be

inflicted for the most serious crimes, which were, practically, punishable with death. They had better wait now, and see what really was the proposal of the Government, who were aware, by this time, what was the feeling of the House with regard to flogging for minor offences. He hoped it would be found that the Government were not trying to palm off a sham concession; but to act up to the spirit of the idea that the punishment of flogging should only be maintained as a substitute for death. That would be worthy of the consideration of the most hostile opponents of the measure, although he did not say it would be accepted by them; for there were some hon. Members who thought it would be better to get rid of flogging than of that dreadful alternative. He thought it would be accepted by the majority of the Committee that flogging should only be inflicted in cases where, if they had not got flogging, it would be necessary to inflict death. But he felt great confidence that the Government, having probably ascertained the mind of the Committee, would so frame the Schedule that it should turn out to be that flogging would only be inflicted under the circumstances he had stated, and not for offences punishable by death under the Bill; because they knew full well that the Committee passed those clauses knowing that death would not be inflicted under them. ["No!"] That was the understanding that was in the minds of hon. Gentlemen. He hoped they might now proceed to Business.

Mr. OSBORNE MORGAN found the subject so repulsive that he would rather not speak of it; but he earnestly appealed to the Government, whether the time had not arrived when they might do that which he was sure they would ultimately have to do—namely, imitate the example of every foreign Army, and abolish this punishment altogether? He did not think hon. Gentlemen had any idea of the strength of the feeling on this subject in the country. The fact was, that there was a popular impression, until these debates arose, that, thanks to the humane exertions of his hon. Friend (Mr. Otway), the punishment of the lash had, practically, fallen into desuetude in the Army; and now people had been most unpleasantly undeceived. The punishment was one which jarred upon

Mr. E. Jenkins

the sentiment of the country. Englishmen did not like to be pointed at all over Europe as such exceptional blackguards, that they alone required to be kept in order by the lash. He only wished his hon. and gallant Friends on both sides of the House would talk to foreign officers on the subject, as he had done, and they would be astonished at the sentiments they would hear. A French officer with whom he dined at a *table d'hôte* once told him that any French Minister who introduced flogging would be hissed out of office in a quarter-of-an-hour. He could quote passages from French, German, and Italian papers, in which our military exploits in South Africa were put side by side with the debates on flogging in no very flattering way. It was said that in foreign Armies men would be shot for offences for which we only flogged them. As a matter of fact, that was not the case; but, if it were, he thought it would be almost better for the general character of the Army than that such a stigma as this should be suffered to remain upon the whole English Army, and, he would add, the whole English nation.

MR. HARDCASTLE remarked, that the right hon. Gentleman the Member for Birmingham (Mr. John Bright) had said a man might be flogged for stealing eggs. He found, by a letter in *The Pall Mall Gazette*, that two men of the French Army were shot for stealing a few potatoes. Another French soldier was sentenced to be shot for placing his knapsack on a gun carriage. The carriage moved forward, and he lost his knapsack. It was only through a comrade running forward and bringing it to the soldier that he had escaped the punishment of death. Now, it seemed that was the kind of thing hon. Gentlemen opposite wished to introduce into the British Army. The lash was a cruel instrument, and he was no advocate for it, except as a necessary punishment, in the place of far more severe and ghastly punishments. In the French schools, instead of flogging a boy, and having done with it, they made the wretched boy kneel on a hard plank of wood, in perfect agony, for an hour at a time. Many hon. Gentlemen opposite had not had the advantage of being at a public school, or they would not be so horrified at the idea of a boy or a man being flogged, which was very much better

than slow torture and solitary confinement. They might depend upon it that men would rather receive the punishment of flogging than be shot, as they were in the French Army, and as the right hon. Member for Birmingham would have them dealt with.

MR. O'DONNELL remarked, that *The Pall Mall Gazette* was a paper strongly in favour of flogging. In the British Army death could be inflicted for trivial offences. In India it had been necessary to shoot a soldier for merely throwing his hat at an officer. He fully shared in the conviction that what the Government now offered was a sham concession, which they would be justified in doing their utmost to oppose. But what he wished especially to address the Committee upon was this. Lately, he had read to the Committee a letter in which the writer referred to the fearfully cruel punishment he had suffered in consequence of the biting knots which were on the military cat he was flogged with. Well, a very general denial had been given to the statement of the existence of knots in the military cat; but they had now found, beyond all doubt, that the statement was quite true, and that it was only another instance of the inaccuracy of the information which reached the front Treasury Bench under a Conservative Administration. He now wished to call attention to another cruel aggravation of the punishment of flogging, which seemed to demoralize those who administered as well as those who endured it. He had received the following letter from Plymouth, and the name of the writer was at the service of hon. Members:—

"I read an account of your proceedings in demanding the production of the pattern cat to be approved of by the House of Commons. I would feel obliged for you to request also that those cats, when used for penal punishment, are never to be steeped in pickle before they are used for such punishment. I humbly beg that these few lines will enlighten you something on this important subject."

He was perfectly sure this was the first time that many hon. Members had learned how, under certain circumstances, the cat was dipped in brine, in order to aggravate the tortures suffered by the soldier under British civilization.

SIR DAVID WEDDERBURN said, the words used by the Secretary of State for War were that he hoped to make a statement which would be satisfactory

to the Committee. From what had passed, however, that afternoon, the right hon. and gallant Gentleman appeared to have been a great deal too sanguine in his expectation.

CAPTAIN PRICE said, that in the year 1876, when this question was before the House, he had both spoken in favour of the abolition of corporal punishment and voted against the Government upon the same question. In that debate the right hon. Gentleman the Member for the City (Mr. Goschen) had stated that he did not think the time was come when this punishment could be abolished, and had advised him to get the opinions of five or six flag officers in the Navy, and that if those officers were in favour of its abolition he would come round to his views. Acting on the advice of the right hon. Gentleman he had written to many well-known officers in the Navy, and received also the spontaneous expression of opinion of many others. But he was bound to say that in no single instance was an opinion given that the time had arrived for the abolition of corporal punishment. Those opinions, coming from officers only, he felt would have little weight with hon. Members opposite; but he wished to point out that, although the constituency which he represented (Devonport) was, above all others, interested in this matter, not one single word had reached him from that quarter in favour of the abolition of corporal punishment. Again, he had felt it his duty not to confine his inquiries to the Navy, but had extended them to officers and men of all ranks in the large garrisons at Devonport, which consisted of all arms of the Service; and he freely admitted that he had never met any man in those branches of the Service who told him that the punishment could be done away with. Sometimes he had met with the reply from officers that if they could see their way to its abolition they would be glad; but, on the other hand, they told him, one and all, the same story, that without it the discipline of the Service could not be entirely and properly carried out. He had seen a good deal of flogging, and could assure hon. Members opposite that he was still of opinion that it was a very unpleasant and, he might almost say, a barbarous punishment, and one which, before long, he hoped to see done away with; but he was bound to

add that the concession made by the Government, not only that evening but on a former occasion, would, in his opinion, meet the case for the present. The cat was, of course, a barbarous instrument; but he thought the description of the punishment given to the Committee the other night by an hon. Member was very much exaggerated. They were told that at every stroke of the cat pieces of flesh were torn from the back of the man under punishment; but having himself seen this punishment administered scores and scores of times, he could state that nothing of the kind took place. It was not until two dozen lashes had been laid on that there was any abrasion of the skin. With regard to the kind of cats to be used, he thought these should be of one pattern. The cat used in the Navy had no knots, and was simply secured at the ends of the lashes to prevent fraying out. He trusted the day was at hand when flogging could be abolished; but, at present, the concessions made by Her Majesty's Government were all they could reasonably expect.

MR. TREVELYAN thought the hon. and gallant Member (Captain Price) stood in a very peculiar position. As far as he (Mr. Trevelyan) could understand, he was opposed to flogging three years ago, but had been converted, after consultation with five or six officers in the Navy.

CAPTAIN PRICE said, that he had consulted not only many officers in the Navy, but men of all ranks in the Army, Navy, and Marines.

MR. TREVELYAN asked, what reform, either in the Army or Navy Services, could ever be introduced if the Committee pronounced upon the subjects which came before it, in accordance with the views of officers in those Services? Why, if the opinions of officers in the Army and Navy were appealed to, they would most certainly have flogging in the Army in time of peace. There was one class of men he objected to having appealed to in the House even more than to officers of the Army or Navy, and that was the constituents. From whichever side of the House that suggestion came, he objected to it; and wished to point out that when hon. Members engaged in a discussion of this kind, and through a series of debates used great energy and emphasis, taking very often the sense of the House, they

Sir David Wedderburn

were not thinking of their constituents, but of their consciences. He could not sit down without protesting against the sentiments expressed by the hon. Member for North Warwickshire (Mr. Newdegate). The hon. Gentleman had told the House that the opposition to the present Bill had lessened the character of the House of Commons. But this was not the first Army Bill that had been brought before the House; the Bill of 1871, for the abolition of Purchase, which, unlike the present Bill, was not a volume requiring two days for its perusal, but a mere fly-leaf, had occupied the House for 23 days, owing to the persistent opposition of hon. Members opposite; while the Army Discipline and Regulation Bill, which, in his opinion, was a measure of not less importance, had certainly not occupied the House more than 20 days. He believed hon. Members opposite were sincere in their belief that the former Army Bill, which abolished Purchase, proposed a system under which the Army would not flourish; and he, therefore, asked them to believe that hon. Members on his side of the House were equally sincere in their opposition to the maintenance of flogging in the Army. They were fighting for something which they must very soon obtain. If a Liberal Government did come into Office, he prophesied that it would abolish flogging in the Army in six months; and, in his opinion, it would not deserve to be six weeks in Office if it did not.

MR. MILBANK said, he had been accused by the hon. and gallant Member for Devonport (Captain Price) of exaggeration; and, therefore, begged to state to the Committee that he had seen a soldier in the Scots Greys, flogged in the Royal Barracks, Dublin. Every regiment quartered in Dublin at the time was obliged to send a company, or troop, to witness the flogging. The man received 300 lashes, and before he had received 35 lashes the blood flowed down his back on to his clothes; and after another 10 or 15 cuts the flesh actually flew from his shoulders. He had seen this himself. Further than this, in 1843, he had, at Gibraltar, seen a man who was sentenced to 400 lashes; and had also seen a soldier in a Highland regiment receive 200 lashes. The man fainted away. The doctor was called, and put a sponge in the man's

mouth, because he was unable to drink. The man actually came round, and they went on with his punishment. He was afterwards taken down and sent to the hospital. He (Mr. Milbank), being orderly officer, went to the hospital, and found the man stretched, spread-eagle fashion, on his stomach, it being impossible for him to lie upon his back or his sides. His flesh was livid, and a week afterwards he said he was suffering greater agonies than he had ever suffered before; while his back, owing to the heat of the climate, was a mass of festering sores. The noble Lord the Member for Haddingtonshire (Lord Elcho) had drawn a dreadful picture of the barbarities of the Zulu King; but what would the Zulu King say if, on the conclusion of peace, he came into our camp and saw a soldier tied up to the triangle? He would say that we were in the habit of inflicting torture upon the soldiers in our Army. The time had now arrived for the abolition of flogging in the Army; and he hoped that the House would not adjourn that evening before they had from the Government a statement that it was entirely abolished.

CAPTAIN PRICE said, he had not referred to the remarks which fell, on a former occasion, from the hon. Member for York (Mr. Milbank), and which referred to the practices of 30 or 40 years ago; but to those of another hon. Member, which had reference to the practice at the present day.

LORD ELCHO pointed out that the state of things described by the hon. Member for York (Mr. Milbank), inasmuch as it related to a period 40 years ago, had no analogy with the present. The hon. Member had admitted, besides, that the effects which he had described were not produced until 35 lashes had been given, and the punishment had now been reduced to 25 lashes. He did not wish to boast of humanity; but those who maintained flogging in this modified form were, he hoped, not less susceptible to human instincts than their opponents, but they had some sympathy for the well-behaved men of the Army, and did not reserve it entirely for the ruffians. Without saying that our Army was drawn from the dregs of the people, as had been, in the course of these debates, stated by the hon. Member for the Border Burghs (Mr. Trevelyan), he maintained that all com-

parisons between foreign Armies and the English Army, and the punishments which might be necessary for the one and the other, were absolutely beside the mark, until they were all raised by the same means. It was notorious that in foreign countries they were raised by conscription, and that in this country they were raised in any way that they could be got together. If soldiers committed acts of a disgraceful character they must be visited with disgraceful punishment, as an example, and for the benefit of better men in the Army. With regard to the punishment of death, which seemed to be so popular with hon. Members opposite, he could not help thinking that if the degraded men who brought themselves under this degrading punishment were offered the choice, they would exclaim—"Save me from my friends," and would very much prefer the 25 lashes to the soldiers with loaded muskets. The form of humanity which preferred death to 25 lashes reminded him of a Bill brought in some years ago with reference to cruelty to animals, one clause of which said that "whenever two dogs were found fighting, they were both instantly to be put to death."

MR. SULLIVAN said, he believed he was the only other Member of the House who had related an incident of flogging similar to what had been stated by the hon. Member for York (Mr. Milbank). His (Mr. Sullivan's) narration was not that of an eye-witness, and he stated so at the time. He stated a newspaper correspondent who had been in his own employment had been to see the flogging of a military offender in Dublin, and he had described an exceedingly similar process to that described by the hon. Member. The Committee were then incredulous; but they had now been converted from their incredulity by the statements made on the personal responsibility of the hon. Member who had lately spoken. He wanted now to ask how his statement could be called exaggerated, seeing that it altogether fell short of that of the hon. Member? He would not go into the details, they were too revolting; but he would say the military prisoners accused only of a political military offence were subjected to such barbarities in the public square of the Royal Barracks in Dublin, in 1866 and 1867, as had been described

by the hon. Member as occurring in 1843. He knew one of these men; and so far from his having a disgraceful character—apart from his very serious military offence—the evidence on the court martial declared him to be one of the best-conducted men in the regiment. He (Mr. Sullivan) himself saw the branded mark, B.C. (bad character), which the man received in addition to the 50 or 100 lashes ordered by the tribunal.

SIR H. DRUMMOND WOLFF said, that it was not correct to say that England was the only country in Europe where corporal punishment was inflicted upon soldiers. He had himself seen corporal punishment inflicted on Austrian soldiers. [MR. OSBORNE MORGAN: It is abolished in Austria.] It was certainly in force in the German and Russian Armies. ["No!"] He had himself seen it inflicted on Russian soldiers. [VOICES: When?] Recently. He had seen Russian soldiers struck by their officers. ["Struck!"] He had seen men struck by their officers and whipped. He maintained that England did not stand in an exceptional position in this respect. In reply to the remarks of the hon. Member for York (Mr. Milbank), who had suggested that the Zulu King might, on the conclusion of peace, visit our camp and find a man tied up to the triangles, he wished to point out that the spectacle would be an impossibility, inasmuch as corporal punishment was not administered in time of peace.

MR. MACDONALD said, they were told some time ago that the Bill they were now considering had passed then so far almost as it was drafted. How anyone could have made such a statement was a surprise to him; no Bill, during the time that he had had a seat in that House, had undergone so many changes before it passed as that Bill had. While that might be stated of its general character, it was equally so on the subject of flogging. The Government had again presented them with another front on the subject. The new departure pleased the ear; but, he was afraid, would disappoint all who, like himself, thought that flogging ought to be abolished, both in the Army and in the Navy. The proposal made by the Government that day was, to a large extent, as he saw it, illusory; the punishment

Lord Elcho

of death might be awarded for the most trivial offences. Some of those it would be wrong to call crimes. He verily believed that was the Bill to be passed, with the provision that the Government now proposed, that flogging would be increased rather than diminished. A Bill that had so much of the sphinx about it, humble as his opposition might be, he would give it all he possessed. The hon. and gallant Member for Devonport (Captain Price) mentioned in his speech some ago that he had seen a good deal of flogging in the Navy, and that flogging was looked upon lightly by seamen and petty-officers. In short, as he (Mr. Macdonald) understood the hon. and gallant Gentleman, he led the House to infer that it was of so mild a character that these men would be annoyed if it was done away with. Would the hon. and gallant Member be joyous on the prospect of having four dozen on his own back? If it were good to give, it ought to be equally desirable to take. He could call the hon. and gallant Member for Devonport's view of flogging nothing else than a fancy picture. He (Mr. Macdonald) would tell the House what he had heard of flogging from those who had seen it and suffered it. The application of the "cat" to the back of those to whom he referred was so severe that they contrived, if possible, to get a bullet to turn in their mouth during the progress of the flogging, and that it was customary for the doctor to come up to the victim who was about to be flayed, not to feel his pulse, if he was able to stand the punishment, but to run his finger round his mouth to find if there was no bullet there which he could chew. He knew of an Admiral who was well-known to the hon. and gallant Admiral the Member for Stirlingshire (Sir William Edmonstone) who was known as a diabolical flogger. The men would have asked an iron pin to chew while they were suffering the infliction of the "cat." The hon. Member for Dungarvan (Mr. O'Donnell) stated that they sometimes dipped the "cat" in salt brine. He (Mr. Macdonald) had it on the most reliable authority that there were men in high command in the Royal Navy who had a flagon of brine brought on deck; and when the back showed symptoms of being lacerated, it was applied to them—to the

broken parts of the skin—with the brush. The hon. Member for North Lancashire (Mr. Hardcastle) thought fit to twit the hon. Member for Birmingham (Mr. Chamberlain) with never having been at a public school, and that had he been so he would have known the punishment there was quite equal to some of the Army punishments. It might be that the hon. Member had enjoyed the teaching of Rugby, Harrow, or Eton; if so, from the remark he had made regarding the hon. Member for Birmingham, he (Mr. Macdonald) would strongly recommend him to return there, and, for a time at least, undergo tuition sufficient to speak respectfully to those, or of those, whom he might differ with. The noble Lord the Member for Haddingtonshire (Lord Elcho) had said that the lash was necessary for the ruffians in the Army. He (Mr. Macdonald) had a high respect for the noble Lord; and he would most respectfully say to him that he believed—and believed firmly—that the flogging in the Army, to a large degree, led only degraded persons to enter it, and that so long as the degrading punishment was continued, they would have persons of the class he had named. Raise the status of the soldier and the sailor to that of a citizen, and they might rely on it they would perform their duties as such. He was opposed to the retention of this punishment, because of its inhumanity, and because he objected to give one class of the community power to flog another class.

LORD CHARLES BERESFORD rose with the shyness natural to any man who appeared to be an advocate of the "cat;" but he thought it ought not to go forth to the world that the punishment of flogging in the Navy was of the brutal character which it had been represented to be. He had no doubt that the hon. Member for York (Mr. Milbank) had witnessed what he had described to the Committee, but those scenes had occurred a long time ago. For himself, he was sorry to say he had seen a great number of men flogged; but never anything of the kind mentioned by the hon. Member for York. He had never seen more than 48 lashes given; but he had known many men to be sentenced to 48 lashes, and to be taken down when they had received a dozen. Humane captains constantly limited the number

of lashes. Indeed, he had seen a man tied to the grating, and yet not receive a single lash, the captain saying to the man—"Promise me you won't do it again;" and on the promise being given, the man was let off accordingly. He had only seen one case in which a man's flesh was broken, and that was when the man was flogged by two right-handed and one left-handed boatswain's mates, and immediately this occurred the captain ordered him to be taken down. Flogging had been abolished in the Army, except on active service; but the Committee must remember that the Navy was always on active service, whether it was fighting or not; and if flogging was done away with in the Army, it could not be retained in the Navy. A blackguard or scoundrel in the Navy might do a great deal of harm; he might steal, and get his mess-mates into trouble. If they put him in prison when the ship might, perhaps, be six or eight weeks at sea, they had to trot him out every day on deck, because they could not keep him locked up without exercise, and he would be insolent, insubordinate, and would use the most frightful language. The captain, therefore, ought, at least, to have the power of flogging, however much the extent of the punishment might be reduced. For himself, if he had the command of 20,000 men to-morrow, he did not think he would ever put the "cat" in operation; but he felt that if he had not the power of using it, the blackguard would soon know of it, and take advantage. Discipline must be maintained, and insubordination kept down in some way. But if, for acts of insubordination, men were only sentenced to imprisonment with hard labour, their wives and families would probably have to go to the workhouse, and the men themselves, when they came out of prison, would be sick of life and of everything else, and would sooner go wrong than right. The "cat," he granted, was a horrible instrument; but, in his opinion, it was not so dreadful as the hon. Member for York had stated; and when they had to deal with a very insubordinate man in the Navy—which, as he had said, was always on active service—they must shoot him, if they had no power to flog him. He ventured to say, if the Navy were polled, officers and men, fore and aft, they would say they would be sorry

to see the "cat" done away with, because the good men knew that it kept the bad men in check.

MR. W. E. FORSTER said, the noble and gallant Lord had made an interesting speech, but his arguments tended to taking them back to the system of old days. However, he could only say that if the officers in either Service had all been like him, he thought they would hardly have had any flogging at all. He had not intended to take part in this discussion, because he agreed that the present was hardly the time when the Committee could properly discuss the question of whether flogging should or should not be abolished. But the noble Lord (Lord Elcho) had most distinctly raised the general question, by arguing that it was useless to bring in any statement with regard to the practice in foreign Armies, inasmuch as they relied upon voluntary recruiting as opposed to the conscription of foreign countries. He (Mr. W. E. Forster) thought that the time was coming when there would be little voluntary recruiting, unless the punishment of flogging was got rid of. As far as the discussion of Saturday was concerned, he could not agree with those hon. Members who thought that the right hon. and gallant Gentleman the Secretary of State for War had been guilty of a breach of faith; and he confessed he had not gained the impression, from Saturday's discussion, that the Government had in any way pledged themselves to abolish flogging. But, coming to the actual concession which the Government had made, he must say there was a good deal of force in the remarks of the hon. Member for Birmingham (Mr. Chamberlain), who said that "they did not imagine that the Government had pledged themselves to the abolition of flogging; but that "they imagined they would not have said what they did say without reducing the punishment to a minimum of 14 or 10 lashes." He would not pledge himself to support the proposal that, in future, flogging should only be used as an alternative punishment in cases where death must be awarded; but he thought such a proposal ought to be considered. He was not sure that the point had not been reached when the country must follow the other nations of Europe in getting rid of a disgraceful punishment, which fastened

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a disgraceful character on the Army, and which tended to deter men from enlisting; and that they must do that at the cost and risk of having a yet more severe punishment. But he was afraid that the concession made by the Government would turn out to be no concession at all; because it was evident that, at the present moment, there were many offences of a trivial character which might be punished with death, and flogging might, therefore, go on just the same as it had done hitherto. Hon. Members were still in doubt as to what the Government intended to do; and he thought the Government would facilitate their Business very much if they would bring on this question, and let it be decided at the next Sitting, when this Bill was under consideration. The matter was difficult enough. One side said it was a disgusting, disgraceful, and cruel punishment, and it ought to be done away with; and, on the other side, there was the declaration that "discipline must be maintained in the Army." Now, he supposed that a large number of Members who voted with the Government in this matter did not vote for the punishment of flogging in itself; but that they did so because they understood that the Government, responsible for the discipline of the Army, declared positively that it could not be maintained without it. And if the Government had, strictly and absolutely, maintained that position, he could have understood hon. Members who originally voted for them continuing their support. But the Government had shown uncertainty and hesitation in the matter, and had thrown doubt upon the necessity for the punishment. The Government had thought it their duty to bring in a Bill which was, practically, a fresh Code of Military Law. Instead of the Mutiny Bill, they brought in a Bill to declare what the Military Law of the country should be in future. And it was, therefore, right for those who objected to flogging to say that it should be decided what should be done with regard to corporal punishment in the future. From the discussion raised in the matter, from the hesitation which the Government had shown, from the difficulty of maintaining the punishment, and from the objections brought forward against it in the course of the several discussions

which had taken place, he believed that the time had arrived when it must be got rid of. The only questions, therefore, which ought, in his opinion, to be before the Committee, were—"Will you strike out flogging altogether, and try to get on with the discipline of the Army without the lash? or will you maintain it merely as a mitigation of the punishment of death?" Anything short of keeping up the punishment of flogging as a means of avoiding the punishment of death would not only be contrary to the feelings of his hon. Friends below the Gangway, but contrary to the feeling of the country.

SIR CHARLES W. DILKE wished to ask the noble and gallant Lord (Lord Charles Beresford), having regard to the remarks which he made on the subject of the necessity of maintaining corporal punishment in the Navy, whether, from his own knowledge, he did not believe that the discipline of the French Navy was, at the present time, every whit as good as our own? With regard to the remarks of the hon. Member for Christchurch (Sir H. Drummond Wolff), surely the hon. Member was entirely under a mistake in saying that the punishment of flogging existed in foreign Armies. He could assure him that flogging had been abolished in the Austrian, Russian, and German Armies. It had never existed in the Armies of Italy and France since the Revolution; and it was very well known that the First Napoleon had resisted strong military pressure in his refusal to introduce it. Not only could he deny that any punishment of the kind existed in the German Army, but it was a fact that not one single man had been shot during the war with France; and, notwithstanding that neither of these punishments were resorted to, the discipline of the Army was maintained.

MR. OTWAY said, that he would state, for the information of hon. Gentlemen, that the lash had been abolished in all the Armies of Europe. It had lingered longest in the Russian Army, where it had only recently been abolished. He thought that the statements which had been made by hon. Members on the Government side of the House were exceedingly unfair to this side of the House. No accusation had been brought by that side of the House against the motives of the supporters of the Government. On the contrary, they

had expressed their conviction that as much humanity was to be found on one side of the House as on the other. He was convinced that all that hon. Members desired was that discipline should be maintained, and that they voted for the retention of flogging under the idea that it was necessary for the maintenance of discipline. But what had the noble Lord the Member for Haddingtonshire (Lord Elcho) said? He would like to know by what right the noble Lord had said that those sitting on the Opposition side of the House were in favour of the ruffianism of the Army, and that hon. Members on the other side were in favour of good soldiers? On that side of the House they were as much in favour of maintaining discipline as other hon. Members; but they were convinced that discipline could be kept up without the use of the lash. The noble Lord had no right to assume that those who wished flogging to be abolished were in favour of the bad characters of the Army. He entirely objected to those statements, and thought that imputations upon hon. Members who wished to see a degrading punishment abolished were totally undeserved. For his part, he was sure that flogging could be done away with in the Army without any detriment to the Service. He would point out that the noble and gallant Lord (Lord Charles Beresford) had made what, if it were not an important mistake, was a very serious omission. He had omitted to tell them that sailors were divided into two categories, and that a man could not be flogged in the Navy unless he had already been degraded into the second class. That was a most important circumstance to be remembered in contrasting the position of the soldier with that of the sailor. The sailor could not be flogged until he had been degraded to the second class; but any soldier in the field could be flogged at the caprice or whim of any commanding officer who might sentence him to the punishment. The hon. and gallant Member for Devonport (Captain Price) had told them what took place in the Navy; but that had no reference to the question then before the Committee. Of all the strange things that he had ever heard with regard to this question, he must say that he had never listened to anything with more unfeigned surprise than to the statement that all the civil

population of Devonport, and all the soldiers and sailors there, were in favour of maintaining flogging. According to the hon. and gallant Member, flogging seemed to be the most popular performance that could be imagined with the constituency of Devonport. In fact, the hon. and gallant Gentleman had represented his constituents as being almost enthusiastic on the subject of flogging. But when the hon. and gallant Gentleman represented great naval authorities as being in favour of the punishment in his own Profession he did not say who they were; but, on the other hand, he should be happy to furnish the hon. and gallant Member with the names of officers of high position in the Service, who were of the opinion that flogging could be easily done away with in the Navy. But that question was not now before the Committee. He wished to ask one very important question of the right hon. and gallant Gentleman the Secretary of State for War. They had had some very serious misunderstandings upon this question, and he was desirous of avoiding further misunderstandings on the matter. The right hon. and gallant Gentleman had made two statements to the Committee with regard to his intentions in this matter, and they had had a third statement from the Chancellor of the Exchequer, which was not exactly in accordance with either statement of the right hon. and gallant Gentleman the Secretary of State for War. It was stated, first, by the right hon. and gallant Gentleman that corporal punishment was only to be inflicted for those offences for which the punishment of death was reserved. Subsequently, he said that he would produce a Schedule of offences for which he proposed to inflict corporal punishment. Those two statements were essentially different, because they would thus have corporal punishment inflicted for a vast number of offences, which he was quite certain the House would not suffer to be punished in that manner. If the right hon. and gallant Gentleman the Secretary of State for War insisted upon retaining flogging for every offence for which death could be inflicted, he did not believe that he would ever carry his Bill to a third reading. Therefore, he would ask the right hon. and gallant Gentleman to inform the Committee whether it was his intention to inflict

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corporal punishment for every offence for which death was provided; and whether he would lay upon the Table of the House a Schedule specifying the various offences for which the punishment was to be inflicted?

COLONEL STANLEY remarked, that there was nothing inconsistent in the two statements that he had made. His first statement was, that corporal punishment was to take place in the field in all the cases punishable with death under the provisions of the Bill. Upon that the hon. and gallant Gentleman the Member for Galway (Major Nolan) said that the best way to do it was upon Report. It was the intention of the Government, however, to move a Schedule containing these offences, and there would then be ample opportunity for discussion.

MR. WADDY inquired whether it were not possible for something like Business to be done, and yet for the question of flogging to be left open for the present? Some hon. Members were opposed to flogging, and others advocated it. Would it not be possible for the right hon. and gallant Gentleman to go on with the clauses upon which no question of flogging arose, and then take a Division upon the question of flogging subsequently? He could not but think that many hon. Members who were opposed to mere obstruction, but who were also opposed to flogging, would support the Government in proceeding with the rest of the Bill.

COLONEL STANLEY said, that was exactly what he wished to do. So far as he was aware, there was not a single clause in the remainder of the Bill which bore upon flogging, until they got to the Schedule and the deferred clauses.

MAJOR NOLAN thought that it would be well if the Committee could obtain some information as to the practice of foreign Armies in respect of flogging. There could be no difficulty in obtaining such information. Any of the military *Attachés* in London could give all the information required in regard to their respective countries. This information ought to be before the Committee before the Schedule was framed. It had been stated by the hon. and gallant Member for Sunderland (Sir Henry Havelock) that he was present during a campaign with the Russian

Army, and that they used no capital punishment whatever, and that it had been altogether abolished. On the other hand, it had been asserted that the punishment was still retained. So far as the German Army was concerned, *The United Service Gazette*, which was usually well informed on these matters, stated that during the Wars of 1866 and 1871 there was no flogging in the German Army. He thought it would be found that there was no flogging in any other Army in Europe—at least, not in any other Christian Army, for he knew nothing about Turkey. Flogging had also been abolished in the United States Army. In Colonel Stuart's book it was said that flogging did no good, and only brutalized the soldier. They knew that in the Navy men were not brutalized nor in a bad state; but he was sure that they would be better if there were no flogging. By the Bill a man was made liable to flogging if he were disrespectful to a petty officer while in the execution of his office. The Government had made various concessions with regard to the Bill, and the Bill was very different from what it was when they started. He trusted that the Government would make further concessions, and would abolish flogging, for there was a strong feeling that its retention would do more harm than good. It would be very difficult in time of war to obtain sufficient recruits, unless the punishment were abolished.

MR. HOPWOOD wished to read a letter which he had received from a friend in the American Army. This gentleman now occupied the position of Consul General for America in Paris, and he had been good enough to answer some questions that he had put to him categorically. He said—

“I have your favour of the 3rd instant, and shall be glad to answer your questions to the best of my ability. You ask, first, Is flogging a punishment allowed under any, and what, circumstances in the Army of the United States? I answer no, it is not allowed. Second, If it is not allowed, when was it abolished? It was allowed, but was abolished in 1861. Third, Has shooting, or hanging, been more frequently resorted to through the want of the punishment of flogging? Answer: No.”

In another part of the letter he said—

“I give your question No. 3 a very big no. Flogging was abolished by law, so far as the Mercantile Marine Service was concerned, in 1850. It was abolished in the Military Prisons

in 1873, and was abolished in the Navy in 1872, so that all branches of our Army and Marine Service are now free from it, thank God.—Signed, LUCIUS FAIRCHILD, Brigadier in the American Army."

This gentleman served with the United States Army throughout the American War, and lost an arm on the field of Gettysburgh, and now occupied the responsible position of Consul General at Paris. His testimony was quite positive, that the abolition of flogging had not rendered hanging or shooting more necessary.

MAJOR O'BEIRNE said, that it would be only fair to telegraph to Sir Garnet Wolseley to ask him whether he could maintain discipline in the Army under his order without flogging? The Government were responsible to the House for having Generals who could keep up discipline in the Armies under their control, and it would be only fair to telegraph to those Generals asking them whether they could maintain discipline if flogging were abolished? The Government ought to be allowed time to telegraph to the Cape and receive an answer.

MR. MILBANK remarked, that the noble and gallant Lord (Lord Charles Beresford) had stated that he had never seen more than 25 lashes administered. He might mention that he had known cases in which men had been laid up in hospital several months after receiving that number of lashes.

MR. CALLAN observed, that only one Irish Member had raised his voice in favour of flogging, and that was the noble and gallant Lord (Lord Charles Beresford). He wished that the good-hearted plucky fellows whom he described should get flogged. But could it be seriously urged that men of good character ought to be flogged? When attention was drawn to the fact that flogging was abolished in foreign Armies it was said that there was no comparison between the Army of Great Britain and that of any other country. It was said that because the British was a Volunteer Army flogging should be retained. But because our Army was a Volunteer Army was the very reason why flogging should be abolished. A naval authority had recently told him that they did not take into the Navy any men that offered, no matter how capable they might be. They preferred to rear their own men.

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Then, observed the gentleman of whom he was speaking—"What a loss it would be to the country if we were to dismiss men after we had reared them. It is much better to flog them and keep them in the Service." He might say that he had taken some very long voyages, and had never seen any flogging on board ship. There was no flogging on the Cunard Line of steamers to Victoria. If a man were found to be a bad character he was got rid of when the ship arrived at Victoria, or, in returning home, at Liverpool. There was no flogging on board the White Star Line, the National Line, the Peninsular and Oriental, and other lines of steamers. They saw, therefore, that discipline could be completely maintained on board these vessels without the use of the lash.

LORD CHARLES BERESFORD thought that hon. Members would agree with him that the best man was a real pickle. It was his pluck that got him into trouble, and he got into difficulties where a man of less courage would avoid them. It was not that he wanted to flog that fellow. What he wanted was to have the power to flog him. It was that power which kept the man straight. They had very often to send that sort of man to prison for two years; and if they had the power to give him two dozen they would rather do it than send him to prison.

MR. PARNELL wished to ask a question, for the sake of information, of the noble and gallant Lord the Member for County Waterford. He stated that they were obliged to send a man to prison for two years because they could not flog him. He wanted to know, whether they had not power, under the Naval Discipline Act, to inflict a very much less sentence than that for this offence?

LORD CHARLES BERESFORD said, that there was power in the Naval Discipline Act to award a less sentence. When he gave a man two dozen he thought it a very severe punishment, and he only inflicted it for some great offence against discipline. So long as they had an Army and Navy they must maintain discipline. The men should know that there was a power to flog; where grave offences against discipline had been committed so bad an example was set to the rest of the ship's company

that it was necessary to have the power to use severe punishments. Discipline could not be maintained, and the authority of petty officers upheld, unless there was a strong power of punishment.

MR. O'DONNELL said, that in the speech of the noble Lord the Member for Haddingtonshire (Lord Elcho) there was some reference to foreign Armies. They had been asked to admit that there were no proper materials for a comparison between the Army of this country and the Armies of foreign countries, by reason of our Army being composed of Volunteers and foreign Armies being raised by conscription. Until quite recently the Army of France, although raised by conscription, was, practically, as much an Army of Volunteers as our own. The Committee would see that he alluded to the general practice of permitting substitutes to take the place of those who had been drawn by ballot. Thus the French Army consisted, to a very large extent, of the same class of men as entered the Army in England—namely, those who were ready to undergo the risks and lead the life of a soldier by choice. The French Army, although, nominally, consisting of conscripts, yet, until recently, really consisted of the same class of men as the Army of Great Britain, and was held in strict discipline without the use of the lash. So far, therefore, as the statement of the noble Lord could be regarded as an argument, he had shown that, in the case of the French Army, it fell to the ground, and that there was a very good comparison between the French Army and our own. It had been found that the French Army could be held in a proper state of discipline without the lash, and they believed that discipline could also be maintained in the English Army without flogging. The hon. Member for Rochester (Mr. Otway) was perfectly justified in protesting against the tone adopted by the noble Lord the Member for Haddingtonshire. It was barely in Order for any hon. Member to get up in his place and impugn the motives of his political opponents. They had, again and again, pointed out that in that discussion they were acting distinctly in the interests and for the welfare of the soldier; and that they were endeavouring to make the Army a place in which a man could live without fear that, through the mistake of his superior officer, or through

the folly of an unguarded moment, he could be subjected to a punishment not only severe at the time, but which left a reputation such that those who had undergone it were no longer able to associate with men of honour. What reason had the noble Lord to say that hon. Members who opposed flogging sympathized with the worst characters of the Army? He was glad that there had been no attempt at retort on that side of the House. On the contrary, they had, again and again, declared that they believed both sides of the House to be actuated by honourable motives, even when they condemned the conduct of Her Majesty's Government in insisting upon the retention of this disgraceful and degrading punishment. Although they condemned Her Majesty's Government, they admitted that they were actuated by as humane motives as they were, but believed that they were acting under a mistaken sense of duty. He trusted that that gentle pressure which Members of the same political Party could exercise upon each other would be brought to bear upon the noble Lord the Member for Haddingtonshire, so that he might give up the regrettable eccentricities in which he indulged. He had listened with some surprise to the suggestion to send to Sir Garnet Wolseley for his opinion. The time that would be occupied in doing that could not be spared, having regard to the position of that Bill. If that course were adopted, Sir Garnet Wolseley would have to rule his Army, not only without flogging, but without a Mutiny Act. They had recently heard of certain operations of the Army in South Africa; he trusted that they would never again hear of such an assemblage of barbarians and cut-throats again taking place under the British Flag. The hon. Member for Christchurch (Sir H. Drummond Wolff) had recently returned from a diplomatic mission to the East, and what would he have been able to say if asked as to the character of our auxiliaries in South Africa? He hoped that the necessity for maintaining order amongst half-trained auxiliaries would not be put forward as an excuse for maintaining a brutal and degrading punishment in the British Army. He trusted that the hon. Member for Christchurch, if he went on another mission to the East, would be able to inform the

authorities that the degrading punishment of the British knout had disappeared from the Conservative institutions of this country.

DR. KENEALY: Mr. Raikes, I do hope that the Government will make further concessions on this subject, and go with public opinion out-of-doors, which is wholly against them on the subject of flogging in the Army. They have already, in the course of these discussions, shown of what squeezable materials they are formed. I advise them to go one step farther, and remove all reason for future contention by abolishing the cruel punishment of the lash altogether. I was not present the other day, when the right hon. and gallant Gentleman the Secretary of State for War announced, in his place, that he would make a communication to the House which he thought would be satisfactory; but, having read with some care reports of that debate in various newspapers, I am bound to say that I came to the conclusion that the right hon. and gallant Gentleman, probably without absolutely intending it, had given a pledge which, undoubtedly, led hon. Members, both on his own and on this side of the House, to the conclusion that the days of flogging were at an end, and that the Government had manfully resolved to abandon this relic of barbarism, and do away with a punishment hateful alike to the soldiery and the public. So fully persuaded of this were certain hon. Members who have taken a leading part in their opposition to the lash, that they at once abandoned Amendments which they had placed upon the Paper, supposing, as they did, that no further measures of opposition were needed. I should very much like to know to what pressure the right hon. and gallant Gentleman has since yielded that he seems now as determined as ever to maintain this savage and degrading punishment? The pledge, or supposed pledge, was given last Saturday. It had caused the greatest joy. But after the interval of only one day the right hon. and gallant Gentleman came down and dashed all our hopes to the ground. I desire to cast no imputation whatever upon the good faith of the Secretary of State for War. I disclaim the slightest idea of his breaking his word to us. He is incapable of such an act. But I fear that he has succumbed

to powerful pressure—to what may be called back-stairs influence—between last Saturday and this day. Everybody wonders, and asks what that back-stairs influence can be? Surely, it is not the Duke of Cambridge? The General Commanding-in-Chief has always held himself forth as being the soldier's friend; but if he has induced the Secretary of State for War to retrace his steps, he appears to be rather the friend of the lash. The sudden change seems to be unaccountable. Nobody who has watched these debates can fail to see that neither the right hon. and gallant Gentleman, nor, indeed, any of his Colleagues, has any particular feeling in favour of flogging. Not one of them has ever said a word in its support. They seem to think it must be retained for the sake of discipline. They would gladly get rid of it if they could; and I feel certain that in their hearts they detest it, while they feel constrained to maintain its use. I can well fancy, therefore, how happy they must all have felt on Saturday, when they no longer found this horrible burden on their shoulders, and saw the general pleasure which their abandonment of the cat-o'-ninetails had occasioned. How sad, therefore, it is to see them, with this old man of the sea again loading their backs. And how we are all sorry for seeing them thus throwing aside their better judgment and their more humane feelings, under the influence of someone in the background whom they have not yet named. I hope, before this debate closes, that we shall learn who he is, in order that we may judge of his character, his standing, and his authority; and thus be able to decide what weight we should attach to his requirements. We all feel that the system is, what so many have described it—savage, demoralizing, barbarous in the extreme. We feel, likewise, that the right hon. and gallant Gentleman, in adhering to it, has done so against his own independent judgment; and the delight we should experience, if the right hon. and gallant Gentleman would declare, before the debate closes, that the lash should be forthwith and for ever disused, is one that I can hardly describe. With what feelings of happiness the Members of the Ministry would leave this House, after such an announcement! And among the numerous trophies of dis-

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inction which surround and honour the house of Stanley, there would be none greater in all present and future time than that a member of that illustrious family had been the first to respond to the general voice of the English people, and to abolish the accursed institution of flogging. Whether the right hon. and gallant Gentleman does so or not at present, I myself entertain no doubt that the lash is doomed, and that we shall hear but little of it after the present Session. The right hon. and gallant Gentleman had, therefore, better make a virtue of necessity, and relinquish the cat now and for all time. This will be a much better course than that recommended by the hon. Member for North Warwickshire (Mr. Newdegate), who has rather high-handed notions as to what should be done. That hon. Gentleman seems to think that because there is a present majority in favour of the lash no more should be said, and that the minority should at once give way. His motto seems to be—*Stet pro ratione voluntas*. Argument, fact, truth, and reason, may be on one side; but all such trifles must yield to the force of a despotic will. I cannot coincide with such a view, and I should think the hon. Gentleman himself, on cool reflection, would feel that it was untenable. I am pleased, beyond measure, that the advice of the noble Lord who assumes the Leadership of the Opposition (the Marquess of Hartington), that we should postpone further discussion on this matter until we discussed the Schedule of punishments, has not been followed. Had it been, we should have lost a most interesting, and, I hope, a most useful discussion. We should have lost the speech of the hon. Member for the North Riding (Mr. Milbank), which has produced so powerful an impression. We should not have heard the speech of the hon. and gallant Member for Devonport (Captain Price), who, having seen scores and scores of men flogged, is opposed to the lash, though he also has yielded to the advice of others, and will vote for its maintenance. The noble Lord the Member for Haddingtonshire (Lord Elcho) assures us that flogging must be kept up, in order to keep down "the ruffians" in the British Army. I am sorry to hear that we have so many bad characters among our soldiers. But, if I entertained this view, I should prefer adopting the course

recommended the other night by the hon. Gentleman the Member for Meath (Mr. Parnell), who moved a clause that anyone who had been flogged should be drummed with disgrace out of the Service.

THE CHAIRMAN said, the hon. Member would not be in Order in discussing any Amendment already moved, or not yet reached, on the Paper, or in discussing any clause of the Bill on a Motion to report Progress.

DR. KENEALY: I assure you, Mr. Raikes, I was not about to discuss that Amendment. I referred to it merely to point out to the noble Lord, who I fancy opposed it, that if we have so many "ruffians" in our troops, as he supposes, we ought to adopt the quickest mode of getting rid of them. What good can the country gain by retaining such persons? I would, as the hon. Member for Meath proposed, drum them out at once, as unfit to be among brave men. Would not that be better than flogging them? Flogging is not likely to make them morally better or physically braver; on the contrary, it is more likely to harden them in their vices; and all the martinets on earth cannot persuade me otherwise. And here I should have ceased, were it not for the extraordinary speech of the hon. Member for Christchurch (Sir H. Drummond Wolff), who seems to have dropped upon us all of a sudden out of the sky; and who has enlivened the debate by some astounding statements. The hon. Gentleman reminds me of Rip Van Winkle, who woke up after a sleep of 100 years; and could hardly believe that everything was not as it had been when he lay down. The hon. Gentleman fancies that flogging exists in the other Armies of Europe—indeed, he tells us so—and he argues, therefore, that while they keep it up so should we. Never was a wilder statement made; and when it comes from a Gentleman who is supposed to have made foreign affairs his study it almost takes away one's breath. The hon. Gentleman ought to know that flogging has been abandoned in every European Army except our own; and if he can give us no better proofs of what he avers than that he once saw a Russian officer cane a common soldier, that is not flogging. But the hon. Gentleman's silence on one Army which may be called European,

and of which he must have seen something in his recent travels, is significant. I mean the Turkish Army. If flogging existed among the Turks, the hon. Gentleman would have been glad to support his notions by mentioning that fact. He has not done so—from which I draw the inference that it does not exist. If, then, the “barbarous Turk,” as he is designated, has abolished flogging, how much more ought we, who pride ourselves on our “civilization?” Personally, I do not know whether the Turk resorts to the military lash or not; but I do know that no soldiery in Europe is subject to it but our own. And I refer to the hon. Gentleman’s statements the more particularly for this reason—That if he who has devoted his study to foreign affairs does not know this, how many other Gentlemen, who have not had his leisure and opportunities, are probably under a like mistake? The right hon. and gallant Gentleman the Secretary of State for War can enlighten us all in the easiest manner—although I have no doubt he well knows that we are the only nation who have military flogging. But if any doubt exists he can clear it up. From the various Legations in London, proof can be obtained without difficulty or delay. A single Circular will elicit answers that may instruct, while they astonish, the hon. Member for Christchurch. And it would be well, before hon. Members were called upon finally to vote on this question, that they should be correctly informed on the subject. If anything is certain, it is that flogging has ceased in Europe, and the letter which the hon. and learned Member for Stockport (Mr. Hopwood) read proved that it has been abolished in the United States; and no one can assert that the discipline of their Army is in any way inferior to that of our own. In conclusion, Mr. Raikes, I would say to Her Majesty’s Ministers, lose no time in doing away with this abominable stigma on our country, its Armies, and our Christianity. The men of England, from whom your soldiers are taken, hate it with all their hearts. The women of England, whose sons and brothers are exposed to it, abhor the brutal system. You may soon have to face the country. Do not give your enemies such boundless opportunity for holding you up to public odium, as you will if you cling to the cat. I know—for it is my province to

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know—the feelings of vast bodies on this subject; and I can tell you, with full authority, that next to their widespread and deeply-rooted dislike to the Game Laws is the feeling of masses of our countrymen and countrywomen against the accursed custom of flogging in the Army.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. BIGGAR confessed that it was exceedingly difficult to understand what the right hon. and gallant Gentleman the Secretary of State for War did mean to convey in his speech of Saturday. Members on that side of the House tried to extract from the right hon. and gallant Gentleman his real meaning; and when they said they put a certain construction on his utterances he neither affirmed or denied the truth of that assumption as to his intentions. Was it a judicious thing for a Minister to abstain from trying to make his speech understood when a doubt existed on the point? Had the Secretary of State for War given an explanation time would have been saved, not only on Saturday, but that day as well. The right hon. and gallant Gentleman surely might have taken upon himself the authority to say he would abolish flogging in the Army, in the full belief that his Colleagues would assent to the course he had pursued, remembering that they invariably supported any action of their subordinates, while the right hon. and gallant Gentleman was a very important Member of the Ministry, and would, therefore, be sure of approval of his conduct. He believed the Secretary of State for War, individually, was in favour of abolishing flogging; and that on Saturday, when he addressed the Committee, he intended to get rid of it; but private pressure had prevented his doing so. The only way for the Committee to get out of the difficulty it was now in would be for the right hon. and gallant Gentleman, even at that time, to say he would confine flogging to a few of the more serious crimes. By the Bill before the Committee, the punishment of death might be inflicted for the most nominal crimes, which no court martial would impose on persons guilty of such offences with any intention of its being carried out. That being so, under the

present proposals of the Government, the men guilty of very small crimes would be liable to be flogged after having been sentenced to death. If the Government persisted in this course, then the contention must go on, with the probable result of the Government finally giving way, and resolving to abolish the use of the cat altogether. It had been suggested that the opinion of Sir Garnet Wolseley, as to retaining this mode of punishment, should be asked; but, before the General's answer could be obtained, the end of the Session would have been reached. In addition to that, experience of Sir Garnet Wolseley was pretty general; and although he (Mr. Biggar) did not wish to speak harshly of the gallant General, yet, at the same time, he could not forget that all persons in the Service had not the same opinion as to the propriety of applying to him for such advice. Beside that, experience had taught them that Naval and Military officers generally gave in their adhesion to the principle of flogging in the Services. The Members of that House did not represent the Army or Navy of England, but the people of the United Kingdom. The hon. and learned Member for Barnstaple (Mr. Waddy) had suggested that a Division should be taken on the question of flogging, and that the majority should rule the minority. He certainly should object to such a mode of settlement. Although the Members of that House who were opposed to flogging were in the minority, yet he believed they reflected the opinions of the majority of the people in reference to the question. The argument in favour of flogging in the British Army—a practice which was not indulged in by any of the Continental nations—was that the ruffians who joined it should stand in fear of something; but he would remind the Committee that the larger proportion of English soldiers were well-conducted men, and they ought not to be liable to such a punishment for a trivial crime. The system was not needed in Continental Armies, because such good discipline was maintained there as compared to the Army of England, in which the officers either did not show a good example to the men, or did not take enough interest in their corps, leaving the real duties to the non-commissioned

officers. He asked the right hon. and gallant Gentleman to tell the Committee plainly what he intended to do, and not ask hon. Members to rely upon Schedules, which, unless very much modified from the views the right hon. and gallant Gentleman had that day expressed, could not possibly be satisfactory to the Committee, and must be rejected. He appealed to the Conservative Members to assist the Government in their evident desire to abolish flogging, not a single Member of the Front Bench having adduced a pretence or reason for continuing it. The Secretary of State for War had only retained the form of punishment, because someone behind the scenes—he would not say who—had told him that the discipline of the Army could not otherwise be insured.

Mr. PARNELL said, a great deal of misapprehension and misunderstanding existed on the question before the Committee. Hon. Members had been told that the House had affirmed the principle of flogging by a large majority—in fact, a majority of 41. That was quite true; but he ventured to say, when the House came to that conclusion, all the more important facts with regard to the question were not before it. Hon. Members were then told by the supporters of the Government proposal that flogging, even in the field, was very rare, and that in the Army at that time engaged in hostilities with Afghanistan not a single case had occurred to necessitate the use of the lash. It was also said flogging was rarely resorted to on board ship. But what had happened since then had given quite another complexion to the matter. It had been admitted that night by two of the supporters of the Government—the noble and gallant Lord the Member for the County of Waterford (Lord Charles Beresford), who was at present the commander of one of Her Majesty's ships, and the hon. and gallant Member for Devonport (Captain Price), who had been in the Navy—that each had witnessed scores of flogging in the Navy. Such a statement, coming, not from veterans, but, comparatively speaking, young officers, showed the extent to which the lash had been used. But the noble and gallant Lord the Member for the County of Waterford supplemented his statement by saying that it was not the worthless men who required flogging, but the good men—such men as the noble

and gallant Lord would like to have at his back when boarding an enemy's ship. Such a statement deserved very serious attention and consideration, and should be pondered over and weighed very carefully. The noble and gallant Lord had further said that these men must be flogged, or otherwise they would have to be imprisoned for two years. Not knowing much of the provisions of the Naval Discipline Act, he (Mr. Parnell) had inquired whether a man could not be sentenced to a less term of imprisonment than two years, and the reply was that he could be; but that an offence against discipline was so serious that it must be very heavily punished. The noble and gallant Lord considered two dozen lashes to be equally severe as two years' hard labour. He wished to point out to the Committee that there had been considerable misapprehension as to the attitude of the right hon. and gallant Gentleman the Secretary of State for War. He was in the House on Saturday when the right hon. and gallant Gentleman made a statement; and while not charging him with intending to deceive the Committee, he must say that the result of his observations was that the Committee was deceived. Not only were Members on the Opposition side of the House deceived, but also Members who supported the Government. He wished the right hon. and learned Gentleman the Judge Advocate General would listen to him.

MR. CAVENDISH BENTINCK: No, no.

MR. PARNELL: Did I understand you to say you would not listen to me?

THE CHAIRMAN: I must remind the hon. Member for Meath that he should address himself to the Chair.

MR. A. MOORE: I rise to Order. I heard the right hon. and learned Gentleman the Judge Advocate General say he would not listen to my hon. Friend the Member for Meath. I wish to ask if that is in Order?

THE CHAIRMAN: The hon. Member should be aware that it is impossible for the Committee to take cognizance of an expression of any hon. Member made to another hon. Member beside him. I must call on the hon. Member for Meath to address the Chair.

MR. PARNELL said, he would do so. Despite the want of a desire on the part of the Judge Advocate General to hear

him, he should ask the Committee to listen. The right hon. and gallant Gentleman the Secretary of State for War had said that he was responsible for the discipline of the Army; but he went on to say that he had no doubt, in a very short time, when he came to the Schedules, he would be able to make a statement which would be satisfactory to the Committee. The right hon. and gallant Gentleman could not then have had in his mind the statement he had made that day, or otherwise he would not have said he believed his observations would be satisfactory to the Committee. No one could have supposed, after such a statement, that the right hon. and gallant Gentleman would have addressed the Committee as he had that night. The intentions of the right hon. and gallant Gentleman on Saturday were not those which he had expressed that day. Within the interval of three days some pressure had been brought to bear upon the right hon. and gallant Gentleman of which nothing was known. It was not Parliamentary pressure, but outside pressure, which a Minister of the Crown ought not to yield to. There had been a radical change in his policy from Saturday to Monday. The impression left on the mind of the Committee on Saturday by the observations of the right hon. and gallant Gentleman was that he would abolish flogging entirely; so he was understood by the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot), and by another supporter of the Government. In fact, the same impression was left on all Members of the House who were present. It was not until an hon. Member who sat below the Gangway had made a violent attack upon the Government and exclaimed against this change of front, that the Secretary of State for War took up an equivocal position. Subsequently, owing to outside pressure, his attitude became worse than it was two months ago. The Government had told the Committee a month ago that they would introduce a Schedule into the Bill which would have the effect of limiting the punishment of flogging to a number of offences of a very grave character indeed, and which could not be punished in any other way. They said that they should be offences connected with the safety of the Army in the field, or else to offences of a disgraceful character;

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and they now said they were going to schedule a list of 40 offences. He was very much disappointed at the change which had come over the views of the Government. The Committee had been allowed to believe that the offences contemplated by Government were of a very different character; and he himself had withdrawn an Amendment which raised the question of flogging; because it was pointed out that if flogging in the Army were abolished, flogging in military prisons would also be abolished; and he had withdrawn an Amendment providing certain safeguards with which he had thought it necessary that this punishment, if continued, should be fenced with. The Committee had been deceived. He did not charge the Secretary of State for War with having deceived the Committee; but he did charge him with deplorable weakness in not being able to stick to his own opinions for 24 hours' running. The offences scheduled in this Bill, far from being of a very grave character, were many of them very simple. The Government had now told the Committee that they were going to abolish flogging, except for offences punishable with death. But the Bill enumerated 40 offences, many of which were of the most trivial character, and all of which, according to the statement of the right hon. and gallant Gentleman the Secretary of State for War, unless his statement was susceptible of further explanation in the direction of limitation, would be punishable by flogging, inasmuch as they were, according to the Bill as it stood, punishable with death. After the interest which the Committee had shown, and the attitude which the Government had taken up with reference to this question, after the expression of the humane feelings which the right hon. and gallant Gentleman undoubtedly possessed—the Committee were expected to weigh against all this the views of a certain high military official who, as the hon. Member for Cavan (Mr. Biggar) had pointed out, was not a judge of the question. It was really too bad that the Committee, having spent so many hours and days over this question, should now be told that their labour had been in vain. After very careful observation of the conduct of the Business of the House, he concluded that the persons most responsible for the obstruction of Government Business were the Government

themselves. The hon. Member for North Warwickshire (Mr. Newdegate) had told the Committee that obstruction was a terrible thing; but he could tell him that there were things worse even than obstruction. The habit had recently sprung upon the House of charging against minorities the crime of obstruction, which was a serious offence against the law of Parliament, and had been so ruled by a high authority. But if the majority in the House were to be encouraged in this growing habit of charging deliberate obstruction upon hon. Members who opposed this Bill, he would tell the Secretary of State for War that he was himself striking a far more serious blow against the English Constitution than the most persistent obstruction could effect. The freedom of minorities had ever been the protection of Parliamentary liberties, and by minorities, in times past, the power of Government had been built up. What would have happened in days gone by if, in the Parliamentary struggles of this country where fierce passions were raised, it had been in the power of a majority to charge the minority with obstruction by putting that charge to the rough-and-ready test of a Division? The course of events in England must, sooner or later, amount to this—that the principles represented by the present Government, and the Party who followed them, must hereafter be in a long-continued minority. And they would then require to be preserved intact all the Forms of the House in order that they might receive that fair play which they seemed indisposed to allow to a small minority on the present occasion. He agreed that nobody ought wilfully to obstruct Public Business; but there was a great difference between opposing the passage of a bad Bill or an indifferent Bill, which tried to impose vicious and false principles, and obstructing all useful legislation. But this obstruction, even if it had commenced at all, was not commenced by hon. Members on his side of the House, but by hon. Members opposite when they were in a minority. He found there had been considerable obstruction to the Clerical Disabilities Bill on the 17th of June, 1870; but that obstruction was of a character not often resorted to by the present minority in the House in opposing vicious Government measures. On the occasion re-

ferred to he found that the present Home Secretary moved the adjournment of the debate; that another Conservative Member (Mr. Guest) moved, subsequently, the adjournment of the debate; that the hon. Member for South Leicestershire (Mr. Pell), who was now a prominent supporter of the Government, and who was now also a party to inveighing against the present terrible scene of obstruction, moved the adjournment of the House; that Mr. Raikes moved the adjournment of the debate; that the hon. Member for South Leicestershire (Mr. Heygate) moved the adjournment of the debate; that the hon. Member (Mr. Starkie), a Parliamentary supporter of the Party then out of Office, moved the adjournment of the House; that the hon. Member for North Lincolnshire, and one of the present Lords of the Treasury (Mr. Rowland Winn), moved the adjournment of the debate; that an hon. and gallant Gentleman (Colonel Charles Lindsay), connected with the War Office in some capacity or other, moved the adjournment of the House; and, finally, that the hon. Member for Rutland (Mr. Finch) wound up by moving the adjournment of the debate. Thus 10 Divisions were taken against the Clerical Disabilities Bill. But this was not all. He found that on the 14th of July, 1870, in Committee on the Education Bill—which had since received the sanction of Parliament, which had been found to work well, and which had been approved of by both sides of the House—the same means, which would be described as of a very obstructive character, if they were resorted to by hon. Members on his side of the House on the present occasion, were employed to stop the progress of the Bill. On that occasion, he found that Mr. Guest moved that Progress be reported; that Mr. Vance moved that the Chairman do leave the Chair; and that the Chief Secretary for Ireland moved that Progress be reported—and these were the Motions which followed each other at intervals until a quarter past 5 in the morning. Again, on the 16th of March, 1871, in the debate on the Army Purchase Bill—which was of a very different character to the present, consisting only of a few clauses—he found, after a Motion to adjourn the debate, that Mr. Robert Fowler moved that the debate be adjourned; that the present Secretary of State for the Colonies

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(Sir Michael Hicks-Beach) moved that the debate be adjourned; that the right hon. and gallant Baronet the Member for Stamford (Sir John Hay) moved that the House be adjourned; and that the noble Earl the Member for North Northumberland (Earl Percy), the adjournment of the debate. Going on a little further, he came to the fourth night of obstruction, the 8th May, when he found that the adjournment of the debate was moved by the hon. and gallant Member for Hereford (Colonel Arbuthnot), who was much interested in the progress of the Bill; and that the Home Secretary, and many other Gentlemen now sitting on the Front Government Bench, took a prominent part in Divisions of this kind, which took place all night long. He hoped he had sufficiently proved the antiquity of obstruction. But if it was allowable for Conservative Members, in 1870 and 1871, to carry out the most objectionable form of obstruction against good Bills, which had been admirably justified by their results, and if those hon. Gentlemen were to be rewarded by receiving seats, in almost every case, upon the Government Benches, as soon as the Conservative Government came into power, surely the Government and the public ought not to object to hon. Members, who happened to be at the present time in a minority, endeavouring to amend the imperfections in the present Bill, not by moving to report Progress or the adjournment of the debate, but by asking Members opposite to enter into the merits of the question, and defend their views. He hoped that, in persisting to carry out what they believed to be right, the Committee might be allowed to continue the discussion of the question of flogging without vague threats of punishment, and in the amicable spirit which all desired.

Mr. ASSHETON was not going to follow the hon. Member for Meath into the cases of obstruction which occurred seven years ago, but had ascertained for himself what was the amount of obstruction on Saturday last; and he found that the Committee, although they sat for 10 hours, did two hours' work only. He denied that the Secretary of State for War had implied any intention, on the part of Her Majesty's Government, that flogging in the Army should be abolished. The right hon.

and gallant Gentleman had simply said that Her Majesty's Government would consider for what offences it should be given, and for what it should not; and that was in no way inconsistent with the course followed by them on that occasion.

MR. SULLIVAN said, that had the Government taken his suggestion, to pass from Clause 141 to Clause 146, they would not have found themselves at half-past 11 on Saturday evening where they might have been at 9 o'clock. In reply to the hon. Member for Clitheroe (Mr. Assheton), he wished to say that he had witnessed much obstruction in the House which was entirely caused by the Government. He had been in the House when two days were wasted on a Bill of the Government, in discussing a Motion which they well knew would be set aside; and this waste of time was declared by the whole Press of the country to be due to the management of the Government.

COLONEL ALEXANDER rose to point out to the hon. Member for Meath (Mr. Parnell) that the offences which he had enumerated were not punishable with death, and that, therefore, upon the proposal of the Government, they were not punishable with flogging. It was expressly stated, in the margin of the Bill, that these offences were not punishable with death. The hon. and gallant Member for Galway (Major Nolan) had put down an Amendment on the Paper which he moved, with regard to the 44th clause, and which was the same in principle as that now adopted by Her Majesty's Government. The proposal of the Government, therefore, carried out the views of the hon. and gallant Member.

SIR HENRY JAMES thought it would have been well if the suggestion made by his noble Friend the Member for the Radnor Boroughs (the Marquess of Hartington) had been accepted; but the remarks of the hon. and gallant Member who had just sat down tempted him for a moment to deviate from the advice of the noble Lord. He thought it would be well to raise a discussion on the merits of the question when the Committee had an opportunity of discussing the Government's suggestion; but it would not be a loss of time clearly to understand what those suggestions really were. The result of the Government suggestions was that there would still remain 33 specific offences punish-

able with death; and, therefore, there would be 33 offences still to be punished with corporal punishment. It was true these offences would be assumed to be grave ones; but the Committee must recollect that these offences, although punishable, were also equally punishable with one day's imprisonment. The necessity for that was obvious. They must make the power of punishment elastic; because what in the field before the enemy would be a most serious offence might not be so much so under other circumstances. But the Committee were now asked to confer the power of inflicting corporal punishment, whether the offence was a large or small one. The punishment might also be inflicted in every case where the soldier was on active service, and that would include the period when he was in the occupation of any foreign country. Therefore, whether he was in the occupation of a hostile or friendly country, if it was a foreign country, he would be liable to this punishment. When they were in the occupation of Silistria or Varna, during the Crimean War, if there had been the slightest disobedience to the orders of an officer, the soldier, under this Bill, would have been liable to the infliction of corporal punishment. Military judges might think it necessary this punishment should be retained; but he was convinced it might be entirely done away with. Hitherto, he had desired to act in unison with the right hon. and gallant Gentleman who had charge of this Bill, and to make progress with it; and he was sorry now to hear that this was the utmost concession the Government could make; because, when the Schedule came under discussion, he should feel compelled to move the omission of some of the 33 offences which were therein mentioned. If corporal punishment was to be inflicted at all, it must be confined to the most grave offences, and it must not be allowed in all the cases at present proposed. He now ventured to suggest that they should no longer discuss the question of reporting Progress; but they should proceed with the clauses, and renew the discussion as to corporal punishment when they came to the Schedules.

SIR ROBERT PEEL did not think the five hours' discussion which they had had had been wasted, because they had got important concessions from the Go-

vernment; and he hoped, by a little further obstruction, they would obtain more. He was convinced, in the long run, they would succeed in getting from the Government all he understood on Saturday they were about to grant. As to obstruction, he thought it was most unfair to charge hon. Members with unduly discussing this Bill. The hon. Member for Meath (Mr. Parnell) had mentioned some cases of obstruction, and there was another one which he recollected. During the time the Divorce Bill of Sir Richard Bethell was under discussion, the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) declared he would oppose it, line by line, and word by word, and that he would not omit a single opportunity of obstructing its progress. In this case, the obstruction did not come from the Opposition side below the Gangway alone; because he was quite convinced there were many hon. Members sitting in close proximity to himself who agreed in the opinion which had been over and over again expressed in this Committee—that the time had arrived when this punishment should be put an end to. He was altogether surprised, that night, to hear the Secretary of State for War, after what he had said on Saturday, say that the punishment was still to be retained in the case of 33 offences which were punishable with death. He did not think the time of the Committee had been wasted; and he hoped that now, even at the eleventh hour, the Government would be inclined to make a still further concession, and yield to the expressed opinion of so many hon. Members. He had all along maintained that this Bill was a cumbersome, ill-conditioned piece of patch-work sort of legislation. The hon. and learned Member for Oxford (Sir William Harcourt) had told them, in so many words, the other night, that the Bill ought to have been divided into two parts, and each separately discussed. At this moment, they had a Committee appointed to inquire into the organization and regulation of the Army; and yet the Government thought this a fitting moment to raise the whole of the question of flogging. He should have thought it would have been better to have allowed the present Mutiny Act to continue in force until they had the Report of that Committee before them. He would almost go down

on his knees to the Government, and ask them whether, after three weeks' discussion, they would not now, in reason, in justice, and in common fairness, yield upon the point which they were evidently inclined to yield upon on Saturday last. He was afraid it was some influence out-of-doors that had induced them to change that opinion. The hon. Member for Burnley (Mr. Rylands) had told them that he knew the intentions of the Government were very fairly disposed towards the general sense of the Committee, but that influences out-of-doors were acting upon them to prevent their carrying out their desires. It was, however, idle to imagine they could make progress with the Bill while this punishment was retained for the offences which it was. He, therefore, hoped they would get a definite pledge from the Government that they would yield to the wishes of the Committee and of the country. Let the Chancellor of the Exchequer, who, as Leader of the House, always showed a disposition to conciliate all parties, rise at once, and tell them what really were the intentions of the Government.

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Baronet appeals to me to state the intentions of the Government. We have already stated, some hours ago, what our intentions are. The intention of the Government is to propose a Schedule, in which there will be a list of the offences to be punished by corporal punishment, these being offences which are punishable with death. That is the proposal of the Government; and whenever we come to that Schedule we shall be prepared to support that proposal at any length the Committee may think fit. I do not think, however, that the Motion to report Progress is the best form in which to discuss the matter; and, therefore, I hope we may now be allowed to proceed with the clauses.

MR. CHAMBERLAIN wished to point out that the Chancellor of the Exchequer was the first Member of the Government who had spoken for something like five hours; and the right hon. Gentleman had been good enough to repeat what he said were the intentions of the Government; and if they were to take literally what he had said, they were now, perhaps, to assume they had nailed their colours to the mast, and would

Sir Robert Peel

make no further surrender. Now, that decision might be satisfactory to some of the supporters of the Government; but he confessed he was surprised at it, because on Saturday last it was declared there was no desire to maintain the practice of flogging, and he should attach more importance to the statement just made by the Chancellor of the Exchequer, were it not for the fact that similar declarations had been previously made, and the Government had subsequently given way. The Secretary of State for War said he would not schedule in the Bill the offences for which flogging might be administered; but now those offences were to be scheduled. Again, the right hon. and gallant Gentleman declared he could not see his way to reducing the number of lashes; but now they knew the lashes had been reduced from 50 to 25. Therefore, in spite of the positive statements of the Chancellor of the Exchequer, he was sanguine the time was fast approaching—he was not at all certain it would not come that night—when the Government would alter their mind, and agree, as it was on Saturday understood they would do, to the abolition of this punishment. The speech which they had just heard from the right hon. Baronet was significant, because it represented a great deal of inarticulate feeling on the Government side of the House. They had had few hon. Gentlemen on that side to get up and say they disapproved of flogging, or to defend the practice. As to obstruction, it did not come from those on his side of the House. It was the Government and its supporters who were preventing the passing of this Bill, by now refusing to give way on a point on which they intended to give way on Saturday last. It was known the Government only gave way after persistent opposition; and they would very materially shorten these proceedings, if they would tell the Committee how much longer they intended this opposition should be carried on before they gave way. No one had said the Secretary of State for War gave a distinct pledge on Saturday that he would abolish flogging altogether; but what was said was, that he left a distinct impression on the minds of the Members of the Committee that he intended to give way. That was the interpretation put on his language at the time, and he neither said or did any-

thing to negative that interpretation. Therefore, there was no doubt that hon. Gentlemen on that side of the House had been deceived, although he did not say they had been intentionally deceived. He would go to this extent, however, and say that the conduct of the right hon. and gallant Gentleman was perfectly inconsistent with any other hypothesis than that he intended to give way on Monday. The concession which the Government had promised was altogether an unsatisfactory one, because it would be difficult to define what offences should be included in the Schedule. The fact was, the Government had really made no concession at all. He might confidently say for himself, and for many other hon. Members who acted with him in endeavouring to procure the abolition of the punishment of flogging, that they had not the Elections in view when they took up the question. For his own part—and he was sure he might say the same for his hon. Friends near him—the course which he now pursued was perfectly consistent with the opinions which he had always expressed on the subject before ever he had the honour of a seat in that House. He was only stating now what he had long before stated out-of-doors; but while he was desirous of discharging conscientiously what he believed to be his duty, he would admit that the question was an electioneering question, and one which hon. Gentlemen opposite would find to be a very awkward one when they came to face it, as they soon would have to do, upon the hustings. Hon. Gentlemen opposite objected to having the abolition of flogging made an electioneering cry; but why, he would ask, did they not frustrate the aims of those whom they accused of seeking to make it one? why did they not secure to themselves the credit and the honour of abolishing a system which was degrading to the soldier, and to which they must know the country was opposed?

COLONEL STANLEY said, he must once more enter his protest against insinuations which, however they might be explained, practically amounted to the imputation that he had misled the Committee, or permitted it to be misled, by the statement which he had made on Saturday. What he then said with regard to corporal punishment was, that when the Committee came to the Sche-

dules he should deem it to be his duty to make a statement which he hoped would be satisfactory. Several hon. Gentlemen had thereupon risen in their places and had put their own interpretation on the words that he had uttered, and questions had been put to him, by hon. Members sitting in different parts of the House, with respect to the intentions of the Government with regard to the abolition of flogging. He had, however, while taking note of the interpretation which had been put upon his words, distinctly guarded himself against being supposed to acquiesce in that interpretation, although he had deemed it the more convenient course to take to abstain from formally disclaiming it until a later period of the Sitting. He then distinctly stated that he declined to be responsible for the various interpretations which had been put on what he said—that when the Schedules were reached he hoped to be able to make an announcement which would be satisfactory to the Committee, but that he could say nothing more; and that, although hon. Gentlemen were, of course, at liberty to place upon his words any construction they might please, they must do so on their own responsibility. And he could not help adding that, though hon. Members opposite disclaimed the intention of casting any imputation upon his personal character, they repeated, however courteously they might seek to disguise it, or however much they might wish to abstain from any personal allusion, the allegation that he had misled the House on Saturday. But there was, he maintained, no inconsistency between what he said on Saturday and what he had said that evening; and though he was perfectly well aware that there was a strong objection, on the part of many hon. Members, to having recourse to flogging as a punishment under any circumstances, he was sanguine enough to hope that the statement which, on behalf of the Government, it had been his duty to make a few hours before, was one which was satisfactory to the majority of the Committee. So much for that point; but advice had been given, also, from various parts of the House as to the mode of proceeding with the Bill. The right hon. Baronet the Member for Tamworth (Sir Robert Peel) had that evening, as, indeed, the right hon. Gentleman had taken the opportunity of doing

at almost every stage of the Bill, given the Government a friendly reminder as to the impossibility of passing the Bill, and the desirability of abandoning it for the present. Notwithstanding, however, the long discussions which they had had, the Committee had succeeded in passing 146 or 147 clauses out of 180; and he was sanguine enough to expect that they would, before long, reach the end of the Bill; for as the remaining clauses did not involve the question of corporal punishment, there was every reason to hope that the Committee would proceed to deal with them in a business-like way. Then, when they came to the Schedules which the Government had promised to lay on the Table, he would be perfectly ready to discuss any point which hon. Gentlemen might choose to raise. He would remind the Committee that if, as had been pointed out by the hon. and gallant Member for Galway (Major Nolan), it had been the wish of the Government to evade the question of flogging, they might have dealt with it by proposing the introduction of some Amendment with respect to it in Clause 44 on the Report, and so have avoided the necessity of producing a Schedule at all. The Government, instead of taking that course, however, had gone out of their way to supply a Schedule upon which a fair opportunity of discussing the whole subject would be afforded. He trusted that the Motion for reporting Progress would, therefore, be withdrawn, in order that the remaining clauses of the Bill might be proceeded with in the same spirit in which the Committee had approached the discussion of the provisions of the Bill in the early part of the evening.

SIR JOSEPH M'KENNA thought the Government must now be aware that the Committee were very much in earnest with regard to the question of flogging. The fact was, that not only in that House, but in the minds of the public out-of-doors, there was a strong and a well-grounded feeling that flogging was a cruel and degrading punishment which ought not to be continued. An hon. Member of that House, who represented an Irish constituency more than 50 years ago, introduced a Bill for the prevention of cruelty to animals. The reception which that proposal met was not at first very flattering; but few hon. Members would deny that a good work had been done

Colonel Stanley

by the legislation which had taken place on the subject. And what would now, he would ask, be thought of anyone who would propose that a man should be at liberty cruelly to flog his incorrigibly vicious horse as an alternative to putting it to death, to do which latter he still had the power? Such a proposal would be regarded as an absolute mockery. A man did not put his horses to death because he intended to get good work out of them; and, therefore, the most complete power of punishment with death might safely be given to the ordinary owner of a horse or a donkey; but the humanitarians here most properly stepped in and carried Martin's Act, which said that animals must not be cruelly punished. The case was quite analogous, he thought, to that which the Committee was engaged in discussing. Too much power possibly had been given to commanding officers to inflict the punishment of death on soldiers when in the presence of an enemy or engaged in a foreign country in the field; but that power had been conceded because it was felt that it was one which would seldom or never be abused. It was a very serious thing to put a fellow-creature to death, and a commanding officer would think twice before doing so. The Committee were not afraid, therefore, that the power would be abused; but they were afraid that the power of flogging might be abused. He had not troubled the Committee with many observations on the Bill; but he would be altogether, he thought, failing to do his duty if he did not bear his testimony to the statement that it was from a feeling very much higher and better than anything connected with electioneering objects which caused his hon. Friends near him to offer so strong an opposition to the infliction of the degrading punishment of flogging.

Mr. ONSLOW had no wish to prolong the discussion, but was desirous of assuring hon. Gentlemen opposite that those who sat on the Ministerial side of the House were thoroughly in earnest in their determination to support the views of the Government with respect to the question at issue. He hoped, therefore, his right hon. Friend the Chancellor of the Exchequer would not give way on the present occasion, but that he would stand to his guns. The hon. Member for the North Riding of Yorkshire (Mr.

Milbank) had given the Committee his experience of the use of the cat; but he should like to ask the hon. Member whether, when the Liberal Party was in Office, he had ever brought forward the cases to which he had called the attention of the Committee that evening. The agitation which was now got up about flogging seemed to him, he must confess, nothing more than a Party agitation, the object of which was to throw dust in the eyes of the Conservative Party, and which was started at the last moment in the belief that there would soon be a General Election. The country would, however, he had no doubt, soon see through the device; and he would point out that the advice of the noble Lord the Leader of the Opposition did not appear to be followed by any one of those hon. Gentlemen whom he was supposed to lead. Hon. and right hon. Gentlemen who sat upon the same Benches with the noble Lord repudiated his words, and contended that the course which was taken by the hon. Member for Birmingham (Mr. Chamberlain) was a perfectly legitimate one. The country would not fail to see, under those circumstances, that the Liberal Party had, practically, at the present moment no Leader whatsoever. The fact was, hon. Gentlemen opposite wished to catch the votes of the constituencies, and were afraid that they would lose the support of the Irish electors if they were to act in opposition to the feeling of a certain section of the Irish Representatives in that House. He believed, however, that before many hours had passed they would see how matters really stood, and would admit the truth of the statement, that the objections urged from the opposite side of the House against the proposals of the Government were made for the purpose of setting up a Party cry. He regretted very much that the Government should have been placed in the position in which it had been placed, because he should like to see a strong Government confronted by a strong Opposition, of whatever Party its Members might be composed. But hon. Gentlemen opposite refused to follow the advice of their Leader; and the country would soon learn what was the worth of that Liberal Party against which the Government had to contend, and which was led by hon. Members sitting below the Gangway.

LORD EDMOND FITZMAURICE said, he was in the House on Saturday, and felt it his duty to say a few words on the point now under discussion; because he thought he could remove, by his testimony, a little of the misunderstanding which seemed to have arisen between the right hon. and gallant Gentleman the Secretary of State for War and his hon. Friend the Member for Birmingham (Mr. Chamberlain). He was not in the House on Saturday when the right hon. and gallant Gentleman made the first speech which had so frequently been referred to, in which he said that he hoped to be able to make a statement which would be satisfactory to the Committee; but he was in the House when, in answer to several hon. Members, the right hon. and gallant Gentleman repeated the assurance which he had previously given. The impression which was left on the minds, at all events, of those who sat on the Opposition side of the House by the words of the right hon. and gallant Gentleman had been, he thought, very clearly stated by the hon. Member for Birmingham on the present occasion. What he (Lord Edmond Fitzmaurice) had understood the right hon. and gallant Gentleman to say was that although he was not prepared entirely to abolish the punishment of flogging, yet that it was his intention to make certain large and definite concessions which he hoped would be satisfactory to all the Members of the Committee, and more particularly to those who entertained a strong feeling on the subject of flogging. He did not, however, in the least understand the right hon. and gallant Gentleman to promise that he would abolish flogging altogether; but what he had expected from his statement was that, as the hon. Member for Birmingham had pointed out, the right hon. and gallant Gentleman meant so to limit the infliction of that punishment as to make it a rare exception to a large and liberal general rule. The question now arose, how had that pledge been fulfilled? and when the position of the matter was fairly considered, the Committee, he could not help thinking, had not the slightest right to complain that the hon. Member for Birmingham had raised the present discussion, because it was clear that the Committee were divided in opinion as to the course which the Government really

intended to adopt. The hon. and learned Member for Louth (Mr. Sullivan), followed by several other hon. Members, took one view of the promise which they had made, while exactly the opposite view was taken by the hon. Member for Birmingham. The hon. and learned Member for Louth, with his knowledge of law—and the question at issue turned, to a great extent, on the interpretation of legal ordinances—said that he regarded the concessions that had been made by the Government as large and important, inasmuch as they would, in his opinion, have the effect of abolishing the punishment of flogging in three-fourths, if not five-sixths, of the cases in which it could now be inflicted. The hon. and learned Gentleman then appealed to the Government to sweep it away in regard to the remaining one-sixth, and thus completely satisfy the Committee and facilitate the progress of the Bill. But if the hon. Member for Birmingham was right, the concessions which the Government had announced it to be their intention to make were perfectly illusory; and it would be much better to wait to see what the proposals of the Government really were when the Schedule which had been promised had been laid before the Committee. The Chancellor of the Exchequer had, with his usual clearness and courtesy, informed the Committee that that Schedule would contain all those military offences for which the punishment of death might now be inflicted. It was also stated by the hon. and learned Member for Taunton (Sir Henry James) that the number of those offences was 33; while another hon. Member had fixed the number at 40. Now, for his own part, not having any knowledge of military law, he should wish to see the Schedule before proceeding with the remaining clauses of the Bill; and he would suggest that the Government should allow the further consideration of it to stand over until the Schedule was produced. That would be a better mode of proceeding, in his opinion, than that the Committee should continue to wrangle over the question of reporting Progress. It would depend very much on the changes which were proposed by the Government whether the Bill would go on or not; and, therefore, the argument used by some hon. Gentlemen opposite, that because the

subsequent clauses of the Bill did not relate to flogging it would be well to proceed to discuss them at once, was not one, he thought, to which the hon. Member for Birmingham was at all bound to yield. Hon. Gentlemen opposite ought not to complain if hon. Members below the Gangway on the Opposition side of the House did not accept that argument as a matter of course. At that late hour of the evening, why should there be so much opposition to reporting Progress when it must, in any case, be reported an hour or two later, he could not understand. But there was another matter to which he wished, also, briefly to refer. It was rumoured in the Lobby that a great meeting of hon. Gentlemen opposite had been held that afternoon, with the view of enabling certain straight-backed military Gentlemen to put a little strength into what they considered to be the weak knees of the Chancellor of the Exchequer and the right hon. and gallant Gentleman the Secretary of State for War. Those military martinets—he could use no other expression—were, it appeared, of opinion that the concessions which had been made by the Government to the humanitarians were too large, and had urged that if the punishment of flogging were abolished the maintenance of discipline in the Army would be endangered. He had heard that the Prime Minister had addressed the meeting in a speech which lasted an hour; and, under these circumstances, hon. Members opposite could scarcely, he thought, with justice, complain if those who objected to flogging in the Army regarded the question as sufficiently grave to justify them in asking the Committee to report Progress, in order that they might see the promised Schedule, and be allowed further time for consideration. The Judge Advocate General—that great statesman—[*Cries of "Withdraw!"*] He saw no reason why he should withdraw the expression, for he had a very great respect for the right hon. and learned Gentleman, who walked about the House as if he had the Schedule in his pocket, and who was supposed to be a Judge, an Advocate, and a General all in one, although, perhaps, like the Holy Roman Empire—which had been described by Voltaire as being neither Holy, nor Roman, nor an Empire—the

right hon. and learned Gentleman might be neither a Judge, nor an Advocate, nor a General; but, be that as it might, he should have thought that the right hon. and learned Gentleman would have come down to the House that evening with the Schedule already prepared; and he would now ask him to consider the matter, so that he might be ready to lay it on the Table when the House met at 2 o'clock the next day. Then the Committee would see what the military offences were which it contained, and would be able to judge whether the remaining clauses of the Bill should be proceeded with or not. There was, he admitted, a great deal that was good in the Bill; but, rightly or wrongly, the question of flogging had taken a great hold of the public mind, and it was necessary that it should be satisfactorily disposed of. The hon. Gentleman who spoke last said that those who were now so strongly in favour of the abolition of flogging had not urged their views upon the late Government.

MR. ONSLOW: I referred to the cases mentioned by the hon. Member for the North Riding of Yorkshire (Mr. Milbank).

LORD EDMOND FITZMAURICE: The hon. Gentleman also said that the question was now raised for electioneering purposes; but he had not the slightest hesitation in saying that that was an entirely unfounded assertion. For his own part, he had never sought to prolong the discussions on the Bill, and he had been in the House almost the whole of Saturday with the view of supporting the Government, because he expected that they would make a statement which would be clear and satisfactory to the Committee. He did not regret the small help which he then gave to the Government; although he had been attacked by some hon. Members who sat below the Gangway on his own side of the House for supporting them. He thought it right, however, to support them, and he had not shrunk from doing so. But he should not shrink from attacking the Government, or supporting the hon. Member for Birmingham on an occasion like the present. He had to apologize to the Committee for the length at which he had spoken; but he wished to make it clear to the Government that he had no desire to obstruct the progress of the Bill, and to express his opinion

that they might, without any loss of dignity or time, accept the proposal for reporting Progress. They might then instruct their Judge Advocate General to consult those great and illustrious personages with whom he was always in communication, so that he might to-morrow be able to come down to the House with a Schedule which would be the admiration of posterity, and which he might hand down to his successors as a model of statesmanship and as his title to glory in future ages.

SIR CHARLES RUSSELL wished to point out to the Committee that the noble Lord who had just spoken, and who, he dared say, had always been a consistent humanitarian, had been a party to the passing of clauses under which the punishment of death might be inflicted, although he now suddenly found that his conscience would not permit him to assent to the substitution of flogging for the same offences. Now, it was, in his opinion, a perfect outrage to their common sense to try to induce the Committee to suppose that if the private soldiers in the Army were consulted to-morrow it would not be found that they were only too thankful that the alternative punishment of flogging was sanctioned by the Bill. As to what had taken place at Varna, he could state, of his own knowledge, that not a single English soldier had been flogged there. He recollected that when he was there a French soldier had been shot one morning for sawing away a piece of timber from a bridge; but he was proud to say that in no case had it been found necessary to subject an English soldier to the lash. He was not going to enlarge on the subject; but he really thought those who took what was called the humanitarian view ought to consider the matter for a moment by the light of common sense. The fact was, however, that they turned it into a question on which to found an electioneering cry; and he firmly believed that, during the discussions upon it, a great many hon. Members opposite were thinking more of their seats than of the soldiers. For his own part, all he could say was that he was perfectly ready to meet the hon. and learned Member for Stockport (Mr. Hopwood), who seemed to think that the "cat" would be flourished in the faces of the Conservative Party at the next General Election, and who, in saying so, had, he could not help think-

ing, let the cat out of the bag—when ever the question came to be discussed upon the hustings. Let the hon. and learned Gentleman go to barracks, where he (Sir Charles Russell) had spent the greater part of his life, and ask the soldiers there whom they looked upon as their real friends? When the question was submitted their reply would be—"We do not care a bit about this flogging. You get us an extra 1*d.* or 2*d.* a-day." If the matter were made the subject of an election cry, the soldier, he could assure hon. Gentlemen opposite, would soon learn who it was that stood in the way of his obtaining those advantages, which so many who sat upon the Conservative side of the House desired to confer upon him.

MR. E. JENKINS wished to recall the attention of the Committee for a moment to that which was the real question before them. It had been said that now was not the time to discuss the subject of flogging; but, in his opinion, it was a fitting opportunity to discuss it, for if the Government succeeded in carrying the proposal which they had submitted to the notice of the Committee, the clauses relating to the mode in which courts martial were to be conducted would have to be most carefully considered. As the proposal of the Government stood, a man might, as had been pointed out, over and over again, be flogged for the most trifling offence, although such a punishment was not found to be necessary for the maintenance of discipline in any other Army in Europe; and he did not suppose that every hon. Member who sat on the Opposition side of the House was prepared to contend that the use of the cat should be entirely abolished; but what they were determined on was, that it should not be left to the caprice of a commanding officer to inflict the punishment of flogging for every trivial offence. He concurred with the hon. Member for Birmingham (Mr. Chamberlain) in urging upon the Government the necessity of making some definite statement on the subject. The court martial clauses would certainly have to be discussed at great length unless some assurance on the subject, which was satisfactory to the Committee, was given. If matters were left in the position in which they now stood, he should certainly do everything in his power to assist his

Lord Edmond Fitzmaurice

hon. Friends near him in throwing every obstacle in the way of the passing of the Bill.

MR. ASSHETON CROSS said, that his right hon. and gallant Friend the Secretary of State for War had already stated what the intentions of the Government on the subject were, and expressed his belief that the statement was regarded by the great majority of the Committee as satisfactory. The Government had, in fact, practically adopted the words of an Amendment which had been proposed by the hon. and gallant Member for Galway (Major Nolan), who had pressed his views very strongly upon their notice.

MAJOR NOLAN said, he had never wavered in his advocacy of the total abolition of flogging; although, when the Committee decided on maintaining it, he proposed that the punishment should be inflicted only by court martial. As to the death clauses, to which the hon. and gallant Gentleman the Member for Westminster (Sir Charles Russell) had referred, he would point out that for the last 20 years no soldier had had the punishment of death inflicted upon him in the Army in time of war. There was no probability, therefore, he had felt that that power of inflicting such a punishment would be abused, and he had not attached very great importance to the matter. Flogging, however, was a very different thing; and the state of affairs at Varna, as described by the hon. and gallant Gentleman (Sir Charles Russell), who said no soldier had been flogged there, must be regarded as being entirely exceptional. He had always admitted, he might add, that the Government had made a considerable concession in assenting to the reduction of the number of lashes.

MR. HOPWOOD thought there could be no doubt that the majority, at all events, of those who occupied seats on the Treasury Bench sympathized with those who advocated the abolition of flogging. ["No!"] Let those hon. Gentlemen who cried "No!" speak for themselves. For his own part, he believed what he stated to be correct; and, in the present instance, it was of the utmost value to be able to appeal to the individual opinion of Members of the Government; because, if the Committee only knew that they were acting under some pressure in maintaining the system

of flogging, hon. Members generally would, perhaps, feel themselves more at liberty to act in accordance with their own views on the matter, and the majority would, he believed, be glad to see so degrading a punishment done away with. As matters now stood, hon. Gentlemen opposite, he supposed, thought they were bound to support the Ministry, and so they went blindly forward in a course which was sure to land them in difficulties. But did his right hon. Friend the Secretary of State for the Home Department approve of flogging? Why, his right hon. Friend had, three or four years ago, introduced a Bill, under the provisions of which corporal punishment was to be inflicted on the most abandoned persons—those who were charged with the commission of cruel and ferocious crimes; and what had been the action of the right hon. Gentleman with regard to that measure? He arrived at the conclusion that the punishment, while it would not deter persons from committing these crimes, might do a great deal of harm, and the Bill was withdrawn. Was he not justified, then, in supposing that his right hon. Friend did not approve of flogging in any shape or form? Again, what did his right hon. Friend say with regard to the Commission which had been appointed on the question of Penal Servitude, and of which the hon. Gentleman the Member for Bedford (Mr. Whitbread), and the hon. Member for Midhurst (Sir Henry Holland), were Members? He said that if that Commission reported against the system of flogging in our prisons it would be done away with. Hon. Gentlemen opposite were, therefore, relying upon a rotten reed, if they placed any faith in the attachment of his right hon. Friend to the punishment, for the continuance of which in the Army they were contending. The right hon. Gentleman had, over and over again, shown his dislike to, his want of confidence in, he might say his hatred of, flogging; and those who were aware of his feeling on the subject honoured him for the proofs which he had given that he hated it. He should like to ask the First Lord of the Admiralty, too, whether he approved of flogging? Nobody who saw him when he felt called upon, in consequence of his official position, to make a statement on the subject of the lash, could

help perceiving how painful to him was the duty, and how glad he would be to be relieved of it. But that was only what he would have expected from the right hon. Gentleman. Then, as to the right hon. and gallant Gentleman the Secretary of State for War, it was evident, whenever he spoke on the subject, that he was acting under some sense of pressure, to which he deemed it to be his duty to yield, notwithstanding the arguments of those who asked that this degrading punishment should be abolished. Was it a mode of punishment which the Chancellor of the Exchequer liked? The right hon. Gentleman had, on Saturday, given the Committee to understand what he thought about it; and the conclusion at which he (Mr. Hopwood) had arrived was, that the four right hon. Gentlemen to whom he had just referred very much concurred in the opinions on the subject which had been so repeatedly expressed by himself and his hon. Friends sitting near him. And in what position, he would ask, did the question now stand? The right hon. and gallant Gentleman the Secretary of State for War said, on Saturday, that he intended soon to make a statement which he hoped would be satisfactory to the Committee. The result was, that he (Mr. Hopwood), and several other hon. Members on the Opposition side of the House, at once came to the conclusion that the right hon. and gallant Gentleman intended to propose the abolition of flogging. There had been only two courses open to the Secretary of State for War—one, to produce a Schedule, which he had promised, and was actually now going to furnish; and the other, to make a statement of a change of intention. The right hon. and gallant Gentleman could only have meant the abolition of corporal punishment. It would be absurd to suppose he only intended to renew and perform his previous promise. That construction was openly, and at the time, put upon it; but the right hon. and gallant Gentleman now sought to disclaim responsibility for the construction. If he knew on Saturday that abolition was a conclusion which his Colleagues would not sanction, he ought to have said so. He (Mr. Hopwood) was satisfied that Ministers had contemplated abolition; and he would, therefore, like to know why the responsible Advisers of the

Mr. Hopwood

House had not been allowed to advise the House as they had intended? Why should the House look outside for persons to control their deliberations? The hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot), who still believed in the punishment, had reproached the Government, and asked why the supporters of the Party were placed in a false position? He could quite understand how keenly that reproach must have been felt, and that it had led to the scene which had since taken place somewhere in the neighbourhood of the Foreign Office. The hon. and gallant Baronet, doubtless, made his influence felt at the meeting, and declared it was yielding to those confounded Radicals below the Gangway that he so much objected to. It was always hard to take a lesson from your adversaries, and to have forced upon you the course which they might point out, even although that course was one which your own conscience dictated. Hence it was that the Government were likely to resist until they lost the credit of yielding; and hence it was that he demanded to know who it was outside the House that was controlling the deliberations within? He repeated, that if the Government had not meant abolition, they ought to have said so, and not allowed their opponents to go away under a wrong impression. It was shameful that the shoulders of men—whether they were Englishmen, Irishmen, or Scotchmen, alone of the freemen of Europe—should be bared and beaten. To whatever class or denomination they might belong, or however degraded they might be, such treatment was not likely to improve them; however cowardly they might be, it was not likely to make them braver.

THE MARQUESS OF HARTINGTON said, that one expression had fallen from the hon. and learned Gentleman who had just spoken which compelled him to address a few words to the Committee. The hon. and learned Member had referred to him as the individual who led him; but he must repudiate all responsibility as to that on this occasion. In his opinion, the course which the hon. and learned Gentleman, and those who were acting with him, had pursued—no doubt, for excellent reasons, and from conscientious motives—was ill-advised, and extremely prejudicial to what

he conceived to be a much more important matter than even flogging in the Army—namely, the dignity of Parliament. He did not want to dictate to the hon. and learned Gentleman; but as he had acted in direct opposition to the advice which he (the Marquess of Hartington) gave early in the evening, he hoped he would not refer to him as the individual who led him. He would ask the Committee what object was likely to be attained by further continuing this discussion, as there was no question before the Committee that could lead to any decision on the subject of flogging in the Army. A question had been very properly raised by his hon. Friend the Member for Birmingham (Mr. Chamberlain) as to the nature of the assurance given by the right hon. and gallant Gentleman the Secretary of State for War at the last Sitting of the Committee, and about which there seemed to be some misapprehension. His hon. Friend moved that Progress should be reported, in order to get an explanation from the Government. That explanation had been given, and had been fully discussed. The debate had broadened into a general discussion on flogging; but, as to that, he repeated, there was no question before the Committee. He appealed to the Committee, whether the course which was being pursued was fair to the Government, who had not yet had an opportunity of stating to the Committee the reasons which had induced them to make concessions—indeed, it would have been distinctly out of Order for them to have attempted to do so. He was himself extremely anxious to state his views on the conduct of the Government—conduct which, it seemed to him, was open to a great deal of comment; but there had been, as yet, no legitimate opportunity for him to express his views. The Government could not, without a breach of Order, have stated the reasons which had guided their action; and they were hardly being treated with common fairness in this discussion being carried on when their hands were tied. Why should the Committee not wait and discuss the question when the Schedule, promised by the Government, had been laid before them? There would be ample opportunity for deciding on the Schedule—ample opportunity for even obstructing it; but why were the Com-

mittee to anticipate the introduction of the Schedule, and insist upon embarking on a general discussion, mixing it up with recriminations? It seemed to him that that was not a convenient way of conducting the Business of Parliament. He greatly regretted the discussion which had taken place; but he could not say that he felt any responsibility for it, inasmuch as he rose at the earliest opportunity to suggest that the clauses of the Bill which did not touch upon flogging should be postponed until the proposals of the Government had been laid plainly before the Committee.

MR. NEWDEGATE rejoiced that the noble Lord opposite the Member for the Radnor Boroughs was a Member of the House of Commons. The House might well rejoice that the noble Lord had repudiated the obstructive policy of the Home Rule section. The object of the Motion of the hon. Member for Birmingham was to get from the Government an explanation upon a matter as to which a misunderstanding was supposed to exist; but it did not matter what Motion was before the Committee, if hon. Gentlemen would not observe the fundamental principles upon which the Rules of the House were founded. The course which had been pursued during the last three hours was simply one of obstruction, inasmuch as full explanations had been obtained from the Government. There would be ample opportunity for discussing the subject of flogging in the Army in a legitimate manner; but there was no such opportunity now, and to pursue this discussion further would facilitate the renewal of a direct attack on the Constitution of the House.

MR. CHAMBERLAIN did not think it necessary to reply to the Constitutional lecture of the hon. Member for North Warwickshire. He could not conceal from himself the importance of the statement which had been made by the noble Lord the Member for the Radnor Boroughs. The noble Lord had thought it his duty to repudiate all sympathy with those Members of his Party, both behind him and below the Gangway, who had deemed it necessary to press their opposition to the flogging clauses of the Bill. The noble Lord had not, unfortunately, been in the House during a greater portion of the discussion—a thing which had been very much noticed on previous

occasions. It was rather inconvenient that they should have so little of the presence of the noble Lord, lately the Leader of the Opposition, but now the Leader of a section only. If the noble Lord had been in his place, he would have known that the strongest speeches against the proposals of the Government had been those of his Colleagues in the late Government—the right hon. Members for Birmingham (Mr. John Bright) and Bradford (Mr. W. E. Forster). The proposals had also been objected to by the hon. and learned Member for Taunton (Sir Henry James); and, under those circumstances, it was, to say the least of it, inconvenient that the noble Lord should have felt it his duty to lecture those who had hitherto loyally followed his lead when the advice which he tendered had not been in opposition to their conscientious convictions. The noble Lord had that night undertaken to defend the Government, and he had certainly made a much better defence for them than they had been able to make for themselves. The noble Lord asked why it was necessary to press objections now, and why comment was not reserved until the Schedule had been produced? He would reply, by asking why the Government had not produced the Schedule? It was 14 days ago that they promised to produce it, knowing that the opposition of himself and those who were acting with him turned upon it, and upon their shoulders lay the responsibility of the charge of obstruction with reference to the measure. In reply to the noble Lord's question as to why opposition was pressed to such an extent, he would say, because it was only by such opposition that the Government ever yielded anything, however reasonable the demand. When he first made his Motion for reporting Progress, he hoped to elicit from the Government such information as would facilitate future discussion; but the information given had been most inadequate; and in complaining of this he, and those who acted with him, had been left without a Leader. There had been no alternative for them but to do the best they could for themselves; and, under the circumstances, he should certainly press his Motion to a Division.

THE MARQUESS OF HARTINGTON said, his hon. Friend was mistaken in supposing that he was not present when

the speech of his right hon. Friend the Member for Birmingham (Mr. John Bright) was made. His right hon. Friend had always been a strong opponent of corporal punishment; it was not astonishing, therefore, that he should have taken part in the discussion. He, however, only asked the Government for some explanation; he did not take the course which had been followed by so many hon. Members, and deliver a speech against the principle of corporal punishment altogether. His right hon. Friend the Member for Bradford (Mr. W. E. Forster) began his observations by regretting the advice which he (the Marquess of Hartington) tendered had not been taken; so that he did not consider that either right hon. Gentleman was in the least opposed to the action which he had adopted. He had nothing whatever to retract from what he had stated. He must say that he thought the Privileges of the House had been abused by advantage being taken of a Motion to report Progress for discussing clauses which were not before the Committee. He hoped to express his views on the Schedule at the proper time; and nothing that had occurred had altered his opinion as to the extreme inconvenience of debating the principle of clauses which were not before the Committee.

MR. HERSCHELL would be sorry if the hon. Member for Birmingham pressed his Motion to a Division, because his doing so would be sure to create a false impression. Hon. Gentlemen might doubt whether any such impression would arise; but they would, at all events, allow those who sympathized with an agitation against flogging to express their views on the Motion. If he abstained from supporting the Motion, it would not be because he did not agree with the expediency of abolishing the punishment of flogging, but because he considered that the carrying of the Motion would be extremely dangerous with reference to the future conduct of the Business of the House. Although it was quite true that he appreciated the aims of the minority in this particular case, he could imagine a great number of instances in which he should be utterly opposed to the minority attempting to extort from the majority concessions which they did not deem it right to make. It seemed to him that there was

Mr. Chamberlain

danger of a state of things being brought about which would be perilous to Parliamentary government and the conduct of Business—a contingency of the most momentous character; because it was obvious that if discussions were raised on subjects which were utterly unconnected with the clauses immediately in view, simply on the ground that the conduct of the Government was not satisfactory, it would be impossible to count on any measure being carried, however much might be the value attached to it by the majority. He approved the raising of the present discussion; but after the Government had given what explanation they had to offer, debating the general subject of flogging over and over again was a method of action which was calculated to bring all Parliamentary procedure to a dead lock. What was the suggestion made? It was, that those who were opposed to this punishment of flogging should go on discussing, and discussing, and discussing the matter, until, in the end, the Government would be forced to yield. [Mr. PARNELL: No.] He was glad to find that the hon. Member for Meath took that view. He could understand hon. Members insisting on the Motion for reporting Progress until they had got the Government to produce the Schedule; but he certainly should deprecate persistence in a Motion for reporting Progress when they had got the Schedule merely because they did not like it. The Schedule was not yet before the Committee; but when it was, they would have an opportunity of fully discussing and of voting upon every part of it. The Government, however, would do well to recollect that when the Schedule had been got through, and when the clauses were reached on the Report which authorized the punishment of death being inflicted in certain cases, they would be criticized in a very different manner from what they had been when passing through Committee. There would, then, be as great an opportunity for opposition as anyone could desire. What he would, in conclusion, suggest to Her Majesty's Government was, that when they framed the Schedule they should not insist upon awarding the punishment of flogging to all the offences for which death might be inflicted under the provisions of the Bill. He thought that if the Govern-

ment looked carefully into the matter they might easily frame a Schedule which would receive the approval of the great majority of the Committee. Having made the suggestion to Her Majesty's Government, he must now express a hope that the hon. Member would not press his Motion for reporting Progress to a Division. He was fully aware that his appeal might not meet with general acceptance; that there were other hon. Members who honestly believed that the best course to attain their object was by going to a Division; but he offered his advice, sincerely believing that it would prevent misconception, inasmuch as if a Division were pressed he, and many other hon. Members who entirely sympathized with the object of the hon. Member, would be compelled to vote against him.

Mr. FAWCETT said, that while he entirely agreed with hon. Members near him in wishing to see flogging in the Army entirely abolished, he could not help regretting the tone of the speech of his hon. Friend the Member for Birmingham. The hon. Member for Birmingham and himself both belonged to what was known as the advanced section of the Liberal Party. But although he did not yield to the hon. Member for Birmingham in his attachment to the principles of advanced Liberalism, he desired to say that he thought it somewhat hard that because the noble Lord the Leader of the Opposition had expressed courageously the opinions he entertained, the hon. Member for Birmingham should have risen at once and have taunted the noble Lord by calling him the late Leader of the Opposition. He could assure the noble Lord the Leader of the Opposition that, as far as he was concerned—and he believed that he was expressing the opinion of others besides himself—while there could not be perfect agreement on all subjects between the noble Lord and themselves, the noble Lord had not then, and would not, forfeit their confidence by courageously expressing his opinion and doing what he had done that evening, with the view of maintaining the dignity of that House. The hon. Member for Birmingham had attempted to throw upon the noble Lord a responsibility which, it appeared to him, he was not justified in throwing upon him. He

did not know whether the hon. Member for Birmingham had intended to convey such a meaning; but his language certainly bore the interpretation that the noble Lord did not sympathize with those of his Party who desired to bring about the abolition of flogging in the Army. There was not a syllable in the noble Lord's speech to justify that charge. Every word of the noble Lord's speech was perfectly consistent with his being as much in favour of the abolition of flogging as was the hon. Member for Birmingham and his hon. and learned Friend the Member for Stockport (Mr. Hopwood). He was speaking in the recollection of the Committee; and in common fairness he appealed to hon. Members to say whether there was a single syllable in the noble Lord's speech which justified any hon. Member in saying that he did not sympathize with those who sought to abolish flogging? All that the noble Lord had done was to express his disapproval of the peculiar course of Parliamentary proceeding which certain hon. Members had thought it their duty to adopt that evening; and, certainly, if that was the noble Lord's opinion, it was his duty to express it. He was not going to say a word as to whether the hon. Member for Birmingham was justified in bringing forward this Motion. He thought that he was justified in bringing it forward; but he was not going to argue the matter. The controverted point before the Committee was, what interpretation should be put upon the declaration which the right hon. and gallant Gentleman the Secretary of State for War made on Saturday? He had not been present when the declaration was made; but he was bound, in candour, to admit that having read the right hon. and gallant Gentleman's words that morning in the newspapers it appeared to him that those words did not bear the interpretation—and he wished heartily that they did—that Her Majesty's Government had decided to abolish flogging altogether. On the contrary, it seemed that they could not have so decided; because, if they had, why did they not come down to the House at once and say so distinctly? Whether the Government were wise or not in making that statement, it was not for him to say; but he hoped that that evening they were not about to enter upon one of those proceedings

which generally ended by neither Party gaining anything, and by both losing something, and by the dignity of the House suffering in public reputation. There were very few questions, he was bound to say, on which he had a stronger feeling than upon this one as to the abolition of flogging. He had constantly voted in favour of it; and during the many years he had sat in Parliament he had never missed a single Division upon the question. But it seemed to him that, great as was the importance which some of them attributed to the question, there was something even more important than that. He wished to put it to both sides of the House, was Parliamentary government possible if, after fair and legitimate discussion, a minority would not yield to a majority? This was not a question simply affecting the Government. It was not the Government which would suffer if they had to abandon this Bill. If they had to close the Session without passing a single measure it would not be the Government that would suffer, but the House. And he would tell them who, above all others, would suffer, and that was the Members of that House who held advanced Liberal opinions; because nothing could be more certain than this—the sun was not more certain to rise on the morrow than this—that the English and Scotch people would be determined that the authority of Parliament should not be overridden, and a demand would spring up in the country that the present state of things should cease, and that the Business of the country should duly proceed. How was this state of things to be made to cease? What were the proposals which had been brought before them for putting an end to this—he did not call it obstruction, but impediment to Public Business, offered by a minority, which did not know when it was beaten? The result would be that Rules would be proposed to limit and to curtail the Privileges of Parliament, and who would suffer by those Rules? It would not be the Executive, who, on the contrary, would be rather strengthened by them—it would be the independent and the advanced Members. In these circumstances, therefore, he felt that there was something far more at stake than the fate of the particular Bill, or the particular issue now under discussion. He hoped they would thresh this matter out

Mr. Fawcett

to the last; but they had a right to demand—the hon. Gentleman the Member for Birmingham had a right to demand—that this Schedule, of which they heard so much, but saw so little, should be produced. The Government had promised that it should be produced. He would not follow this subject further. Holding advanced Liberal opinions, as he did, he was anxious to assure the noble Lord the Leader of the Opposition that, as far as he was concerned—and he believed he was expressing the opinions of many who sat below the Gangway—he was still the Leader of the Liberal Party. The noble Lord might differ from them on this particular question, or, rather, on this particular occasion; but the qualities which the noble Lord displayed that evening—showing that he had the courage to express a difference of opinion from those who supported him—were not the qualities which would forfeit their confidence. In times to come they would know that they had a Leader who had the courage of his opinions; and he (Mr. Fawcett) for one, could only say—and he said it to the noble Lord in all frankness and sincerity—that, Radical though he might be, he would follow the noble Lord—[An hon. MEMBER: No Radical.]—Well, his principles were well known, and he was not afraid of avowing them upon any particular platform. He was not afraid of defending what he said that evening; but all he wished to say was this—that, whether he was a Radical or not, as an independent Member of the Liberal Party—and he believed he was expressing the opinions of others beside himself—he could tell the noble Lord that some of them in the future, certainly as the result of that evening, would not follow him with less confidence, and not feel towards him less respect.

MR. O'CONNOR POWER said, he had heard during that discussion that they had wandered very much from the Business of the original Resolution; but, certainly, he never imagined that they would wander so far from it as to sit in council and deliberate as to who was the rightful Leader of the Liberal Party. He must protest, as a Member of the Committee anxious for the despatch of the Business, against the peculiar line of argument which the hon. Member for Hackney (Mr. Fawcett) had adopted, and in which he had succeeded,

to a very great extent, in wasting the time of the Committee, and in diverting attention from the subject before it. Now, of course, it was very fortunate for the noble Lord the Member for the Radnor Boroughs that he had found so able a defender as the hon. Member for Hackney; but it must be borne in mind that the noble Lord repudiated the Parliamentary action of certain hon. Members of the House. In doing so, the noble Lord was engaged in a work which was quite unnecessary. They were just as little responsible for the fact that the noble Lord was "the Leader of the Liberal Party" as the noble Lord was for the Parliamentary action of those hon. Members whose actions he repudiated. That was an element in the consideration which was, perhaps, worth the while of the noble Lord to remember; and if he ever aspired to be the Leader of a successful Liberal Party he would have to count on the friendship of those he was now so anxious to repudiate. They were anxious early in the evening, when the Motion was made to report Progress, to get a clear answer to a plain question. In the early part of the evening a demand was made for an explanation in reference to the statement which was made, as he understood, on Saturday. He had not the advantage of being a listener to the debate on Saturday—in fact, he ought to apologize to the Committee that he was not present on Saturday to assist; but he had an opportunity on that day of ascertaining something of the state of public feeling on this subject out-of-doors. He, in company with the hon. Member for Stafford (Mr. Macdonald) and the hon. Member for Morpeth (Mr. Burt), had an opportunity, in the borough which the hon. and learned Gentleman the Member for Durham (Mr. Herschell) represented, of ascertaining something about the state of feeling on this question. There were over 15,000 people at the meeting, and when the hon. Member for Stafford referred to the opposition to the system of flogging in the Army, and declared that he was opposed to it, he evoked the greatest enthusiasm; and there was no doubt that, as far as that great mass of the bone and sinew was concerned, they repudiated this atrocious system of flogging in the Army. He said, therefore, that if the question

should become an electioneering cry the probability was a majority of the electors would come to the same conclusion arrived at by a large section of that Committee—that flogging should be abolished altogether. He would venture to recall the Committee to what seemed to him to be the real root of this discussion, and the ground-work of the opposition to the further progress of this Bill. It was not directly the question of flogging or no flogging; but they were called upon to assent to the progress of a Bill, although, after waiting for 14 days, the Schedule of that Bill had not been presented. If the hon. and learned Member for Durham had heard the speech of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), he would have found that his arguments had been anticipated. He said that so much depended upon the character of the Schedule of the Bill that many of them would be unable to pronounce a judgment until they had the Schedule. He must say it was a very extraordinary proposal that in a Bill of this kind they should be asked to go through it from beginning to end, and take up the Schedule afterwards. A remark had been made to the effect that the hon. Gentleman the Member for Birmingham should withdraw his Motion, on the ground that they would have ample opportunities for obstructing by-and-bye. That reminded him of the story told of the Irishman, who attempted to increase the length of a blanket by cutting a piece off the top to sew on to the foot. It was impossible to favour the spirit of such an argument as was suggested. The truth of the matter was this—they repudiated entirely these frequent charges of obstruction; and if they said that the time of the House had been wasted by the opposition to the Bill, he had only to point to the Amendments which that opposition had already secured in this very Bill. When these discussions were first started in reference to the Mutiny Act the opposition was denounced as wilful obstruction. But the opposition had done a great deal of good. That was admitted. So far as this Bill was concerned, they were in this position—the Government announced their intention to limit the punishment of flogging to those offences for which the penalty of death might be awarded; and hon.

Members had said that night, and said frequently, that the more humane course was to preserve some remnant of flogging as a punishment in the Army, because if they did not allow flogging men would have to be shot. If that was so, why did not they say—“Instead of shooting a man, we will cut off his right arm?” No one could deny that the cutting off of a man’s arm was much less severe than shooting him. They could go on to cutting off a man’s ear; or they might slit his nose; or, why not enact that a man’s shin bones should be broken? Not one of these was so severe as the punishment of death. Why did not the Government attempt to put those punishments on the Statute Book? Simply because they were degrading and barbarous punishments; and though flogging was a less severe punishment than death, the basis of their opposition was to be found in the fact that the punishment was a disgrace and a degradation. It was only one or two degrees less than the punishments which he had just enumerated, and which were awarded by an Act of Parliament some centuries ago. Therefore, the whole argument of the Government broke down; and he did not see any other course consistent with their sincerity in this discussion than to continue it, and develop as much information as possible. They were waiting to know how the tide of the public opinion was going out-of-doors; and, no doubt, they would have information before long. If the hon. Member for Dungarvan (Mr. O’Donnell) led his 500,000 men to Hyde Park, the opinion they would pronounce might only anticipate the verdict of the General Election; and there could not be much doubt as to which side that verdict would be given on. [An hon. MEMBER: Agreed!] An hon. Gentleman cried “agreed!” but he was not authorized to speak for the Government, and they were not agreed. If the Leadership of the Government had been changed, he should be glad to know it. He thought this was a question on which the Government might fairly make a concession to the demand made on that side of the House; and, from the feeling which he discovered privately on those Benches, he did not think the Government was likely to make progress with that Bill so long as flogging was adhered to. It was said—“You are in a

minority, and therefore you ought to give way;" but it was all very well for those guardians of the Constitution, like the hon. Member for Hackney, to say that Parliamentary government was in danger. Well, if it was in danger, he said that Her Majesty's Government were responsible for endangering it; because they used all the powers of their mechanical majority to resist the reasonable demands of the Members on the Liberal side of the House, and then afterwards they came down and admitted that those demands were reasonable. This was no case of mere blind obstructive opposition. It was a highly intellectual opposition—a most discriminating opposition. Really, although Members of the Government had expressed regret at the little progress made, nearly all the journals complimented the House of Commons on its great intellectual power. It was a mistake to suppose that they were going down and down in public estimation as Members of the House of Commons. In some quarters, possibly, they had lost a little caste; but in the mind of the great English people the House of Commons was rising in esteem, and no one could doubt its independence and ability to carry into effect the great principles which had been embodied in Acts of Parliament which were to be found on the Statute Book.

LORD EDMOND FITZMAURICE said, it seemed to him there had been a good deal of misunderstanding as to what fell from the noble Lord the Leader of the Opposition. As far as he understood the noble Lord, he did not administer a rebuke to the hon. Member for Birmingham, or express disapproval of the Motion which the hon. Member had brought forward. What he did deprecate was the introduction of the question of flogging into the discussion by the hon. and learned Gentleman the Member for Stockport (Mr. Hopwood). He could not, therefore, think that the hon. Member for Birmingham was justified in saying that the noble Lord had taken any course which unfitted him for being any longer Leader of the Opposition in that House. Intending, as he did, to remain a follower of his noble Friend, he appealed to his hon. Friend the Member for Birmingham to reflect whether he had not misunderstood the noble Lord, and whether, as the Schedule was

to be produced to-morrow, he could not, without loss of dignity, withdraw the Motion which he had made, and adopt the proposition of his noble Friend.

SIR CHARLES W. DILKE said, his noble Friend who had just sat down had attempted to throw oil on the troubled waters; but he did not seem to understand that the noble Lord the Leader of the Opposition had attacked the hon. and learned Member for Stockport (Mr. Hopwood) with great asperity for the part which he had taken in this discussion; and that the asperity of the attack had led to the continuance of the discussion in the spirit which his noble Friend the Member for Calne so warmly deprecated. Several hon. Members had, in the course of the debate, gone into the whole question of flogging; and it, therefore, seemed rather hard that the hon. and learned Member for Stockport should have been specially selected for attack by the noble Lord. His hon. Friend the Member for Hackney (Mr. Fawcett) had given the House a very sound lecturing; but it did not seem to him that the speech of his hon. Friend was applicable to the circumstances of the present case, inasmuch as the proceedings of the evening were not of an obstructive character, but had a very direct and relevant bearing upon a statement made by the right hon. and gallant Gentleman the Secretary of State for War, on Saturday last, in reference to the Schedule. It was now said, somewhat vaguely, that the Schedule would be forthcoming to-morrow; but as there was no absolute certainty that this would be so, he saw no alternative but to discuss the matter, and, if necessary, to divide upon the Motion before the Committee.

MR. OTWAY said, he could not separate himself from the noble Lord the Leader of the Opposition in reference to this matter; and he, therefore, hoped his hon. Friend the Member for Birmingham would not think it necessary to divide; because, in that event, it might seem that he was at difference with his hon. Friend on the broad question of abolishing flogging, which was not the case. The proper course to take would, in his opinion, be to go on with the discussion of the other clauses of the Bill, and when they reached that in relation to flogging, he should take a course exactly in accord with the lines laid down by

his hon. Friend the Member for Birmingham.

THE CHANCELLOR OF THE EXCHEQUER felt that it would be hardly fair, or in good taste, for him to attempt to intrude in a very interesting discussion, which seemed to him to be rather one of a domestic character than otherwise. But, at the same time, he could not help thinking that the time had come at which hon. Members opposite might be fairly asked to make up their minds, one way or another, as to what they were going to do. The Committee had for many hours been discussing as to whether they should or should not report Progress; and there was something in the proceeding which reminded him of the process which sometimes occurred in theatres, when a chorus shouted at the top of their voices—"Be silent, and take care that no one hears what you say." He would suggest that if there was to be a Division it should be taken at once. What the Government said at the beginning of the evening they repeated at the end—namely, that they proposed, to-morrow, to put on the Table a Schedule, specifying the offences which were to be punishable by death, and for those offences flogging would be the alternative penalty.

Question put.

The Committee *divided*:—Ayes 36; Noes 250: Majority 214.—(Div. List, No. 152.)

MR. PARNELL said, he wished to remind the Chancellor of the Exchequer of a promise which he made to the Committee on the 19th of May, when he said that no objection would be made to any fair discussion of the Amendments which might be proposed to any of the clauses in the Bill. He had that day handed to the Secretary of State for War a number of Amendments which he wished to move on the remaining clauses of the Bill; and he submitted that, having spent the evening in a very exhausting and exhaustive discussion, the best course to follow would be to hold a Morning Sitting to-morrow, in order to proceed with the Amendments on the subsequent clauses. He, therefore, moved that the Chairman do now leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(Mr. Parnell.)

Mr. Otway

THE CHANCELLOR OF THE EXCHEQUER said, he quite appreciated the spirit in which the proposal of the hon. Member was made. The Government were anxious to give every facility to hon. Members to propose, and fairly discuss, any Amendments that might be thought necessary; but they thought that there ought to be a corresponding engagement on the other side that the Government should be allowed to bring on their Bill for discussion at a fair and reasonable time. The Government was placed in a considerable difficulty in not being permitted to proceed with the first of the clauses put upon the Paper of the day until considerably past half-past 1 o'clock in the morning. He did not, however, think that the Committee would then be able to go on with a discussion of the clauses; but he hoped that in the case of future discussions the Committee would be willing to go on much later than usual. He hoped, further, that while there would be a full discussion of the clauses which were really opposed, they might be allowed to take those to which there was no serious objection without undue waste of time. If the hon. Member would withdraw his Motion, he would consent to report Progress.

MR. NEWDEGATE said, the hon. Member for Meath (Mr. Parnell) had distinguished himself as a Member of the Party who had adopted a process known as Obstruction, and made a distinct attempt to wear out the patience of the House. He therefore hoped that the majority of Members would think it their first duty to preserve the dignity and efficiency of the Assembly to which they belonged.

SIR CHARLES W. DILKE said, he could not help thinking the words just spoken by the hon. Member for North Warwickshire most unfortunate and indiscreet.

SIR JULIAN GOLDSMID objected to these repeated lectures by the hon. Member for North Warwickshire as to the manner in which individual Members of the House should conduct themselves in relation to the Business of the House.

Motion, by leave, *withdrawn*.

House resumed.

Committee report Progress; to sit again To-morrow, at Two of the clock.

CHARITY (EXPENSES AND ACCOUNTS)
(No. 2) BILL—[BILL 230.]

(*Mr. Raikes, Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer.*)

SECOND READING.

Order for Second Reading read.

SIR HENRY SELWIN-IBBETSON, in moving that the Bill be now read a second time, explained that its provisions would, by means of a stamp to be imposed according to the value of the property which came under the Charity Commission, furnish a sum of about £26,000 a-year, which would be nearly sufficient to cover the expenses of the Commission, and render it self-supporting.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Henry Selwin-Ibbetson.*)

MR. ALLCROFT thought the proposals of the Bill were very unfair and unjust, and hoped it would be successfully resisted. There were many cases within his own knowledge in which Charities were injured by, instead of deriving advantage from, the action of the Charity Commissioners.

SIR CHARLES W. DILKE hoped the Government would persevere with the Bill, which would, in his view, effect several very useful reforms.

MR. W. H. JAMES supported the Motion, remarking that in many cases—notably, that of the Corporation of London—attempts had been most persistently made to thwart schemes for making the most of public Charities.

Motion agreed to.

Bill read a second time, and committed for Monday next.

LORD CLERK REGISTER (SCOTLAND) [SALARY AND PENSION].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Salary of the Deputy Clerk Register of Scotland, and of a Retiring Allowance to William Pitt Dundas, esquire, which may become payable under the provisions of any Act of the present Session to make provision in regard to the Office of Lord Clerk Register of Scotland; and for other purposes.

Resolution to be reported To-morrow, at Two of the clock.

TRUSTEES RELIEF BILL—[BILL 145.]

(*Mr. Wheelhouse, Sir George Bowyer, Sir Eardley Wilmot, Mr. Isaac.*)

Second Reading deferred till Monday next.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Tuesday, 8th July, 1879.

MINUTES.]—PUBLIC BILLS—*Second Reading*—University Education (Ireland) (134); Tramways Orders Confirmation (135).

TRAMWAYS ORDERS CONFIRMATION BILL—(No. 135.)
(*The Lord Henniker.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD HENNIKER said, he would not trouble their Lordships with more than a few words, in moving that the Standing Order of the 4th of March last be dispensed with, for all the circumstances connected with various discussions on these measures were known to many of their Lordships. The reason for asking that the Standing Order be dispensed with was that the whole question of tramways had been referred to a Select Committee of the House early this Session, in accordance with an arrangement made last year. The Committee had reported some time ago; but the Bill had, in consequence of the inquiry, been introduced into the House of Commons at a later period than usual, and had only reached that House a week ago. It was, therefore, necessary for him to bring forward the Motion now before their Lordships—and he believed there was no objection to the course he proposed to pursue.

Moved, That the Order of the 4th of March last which limits the time for the Second Reading of Provisional Order Confirmation Bills be dispensed with with respect to the said Bill, and that the Bill be now read a second time.—(*The Lord Henniker.*)

THE MARQUESS OF RIPON, having referred to the recommendations of the Select Committee which had sat upon this subject, said, that Clause 3 of the present Bill was not in accordance with its recommendations. He suggested that, if those recommendations were not to be adopted completely, a licence ought, at least, to be granted for the experimental use of steam upon tramways, if the local authorities of the district or districts in which more than half the length of such tramways was situated did not object; whereas, in the present Bill, the consent of the local authorities along at least three-fourths of the line was required.

LORD HENNIKER said, he could endorse what had been said by the noble Marquess opposite, who had presided over the Committee to which he had referred—as he (Lord Henniker) had been a Member of the Committee himself. The proposal in Clause 3—that where a tramway was proposed to pass through two or more districts of a local or road authority, the Board of Trade must be satisfied that two-thirds of the length of such tramway was situated in a district or districts consenting, before they granted a licence, or renewal of a licence, to use steam or mechanical power—was not in accordance with the recommendations of the Select Committee. The point which had been raised by the noble Marquess was a very important one, and he would undertake that it should be carefully considered before the Bill was in Committee of the Whole House; and, if it was thought right and necessary, he would move an Amendment in Committee.

Motion *agreed to*; Bill read 2^a accordingly, and *committed*: The Committee to be proposed by the Committee of Selection.

UNIVERSITY EDUCATION (IRELAND)

BILL.—(No. 134.)

(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, “That the Bill be now read 2^a.”
—(*The Lord Chancellor.*)

THE EARL OF KIMBERLEY: My Lords, the noble and learned Earl on

the Woolsack in introducing this Bill said that Her Majesty's Government had felt it their duty to make those proposals to Parliament in order to solve the difficulties which surrounded the question of University Education in Ireland. The noble and learned Earl also—and very justly—said that the provisions of the Bill—the proposals, I think, he called them—were extremely simple. Were I not well aware, in common with all your Lordships, of the sagacity of the noble and learned Earl, and of his general knowledge, I should have felt inclined to have interpreted the word “simple” in any but a complimentary sense; because I think anyone who has read the Bill will come to the conclusion that his simple solution is not a solution at all of the difficulties which surround the question in Ireland. Nay more, the noble and learned Earl seemed to think by professing himself unconscious of the existence of any grievance he had disposed of the grievance itself; for he observed that you could not call this matter a grievance, but rather a deficiency or an inconvenience affecting the arrangements as to the University Education of Ireland. My Lords, this deficiency or inconvenience has been an inconvenience to successive Parliaments and Governments for very many years. I hope that I shall be able to show your Lordships that it is not only a deficiency and an inconvenience with which we have to deal, but a very substantial and important grievance. My Lords, in order to do this, I must trouble your Lordships with a brief history of this University question. It may be said to have commenced in 1845 with the establishment of the Queen's Colleges. Now, as to the Queen's Colleges I wish to say not one word in their disparagement. The Queen's Colleges, though they have not been altogether attended with the success which their authors wished, and which, I think, they deserve, have nevertheless been a considerable success. Not only have they supplied the means of University training to the North of Ireland, but it is a fact—I need not trouble your Lordships with the figures, as they are familiar to all those who have taken an interest in the discussions—it is also a fact that a considerable number of Roman Catholics, disregarding the denunciations of the Colleges by the Catholic Bishops, have participated in

the advantages in education which are there to be obtained. It would, therefore, not be correct to say that the Queen's Colleges have been altogether a failure. They have failed in doing all that was necessary; but to say that the Queen's Colleges are a failure would be to say that which is unwarrantable. My Lords, as I have said, owing to the objection of a considerable portion of the Roman Catholics in Ireland, the success of the Queen's Colleges is by no means so considerable as could have been wished; and those who were not satisfied with the system of education pursued in the Queen's Colleges founded for themselves a College which they called a Catholic University. That College was founded by private subscriptions of a very considerable amount—which showed that the feeling which had prompted the objection to the Queen's Colleges was really shared by a very large number of persons in Ireland. My Lords, in consequence of the foundation of this so-called University, or rather College, Motions were made in Parliament to obtain a Charter for the College as a University; and, as a consequence of these Motions, in 1866 the Government, which was then presided over by Lord Russell, and under which I had the honour to serve as the Lord Lieutenant of Ireland—the Government thought it their duty to consider in what way those demands could best be met. I was, as I have said, at that time holding the Office of Lord Lieutenant, and my noble Friend Lord Carlingford—with whose enforced absence to-night, and the cause of it, I am sure all your Lordships will sympathize—my noble Friend was then Chief Secretary for Ireland—and it fell, therefore, to our lot to prepare a scheme which should be submitted to Parliament. Our proposals ultimately took the form of what was known as a "Supplemental Charter," the object of which was not altogether dissimilar to that of the measure now before the House, although it proposed considerably more. The scheme then proposed was to extend the powers of the Queen's University, so as to enable it to grant degrees to persons who had received their education at any College, or, indeed, at no College at all. In addition to those proposals—which, as I have said, resembled those now before the House—the Government of the day proposed that there should be

certain scholarships or bursaries which should be open to all the students of the Colleges which might be included in the scheme, or to any who might present themselves for a degree to the Queen's University. Furthermore, in order to give it a substantial position in relation to the other Colleges, it was proposed to give the Roman Catholic College a Charter of incorporation. That was the scheme as it then stood. The Papers explaining it were laid before Parliament many years ago; but the ultimate result of it was this—it was endeavoured to carry the scheme into effect by a Supplemental Charter to the Queen's University. That Charter was objected to by a considerable number of those connected with the Queen's University. They brought the matter before the Courts of Law, and it was decided by the then Master of the Rolls that the grant of this Charter was beyond the power of the Crown. The Government was soon afterwards turned out on the question of Parliamentary Reform, and the whole scheme, in consequence, fell to the ground and was never tried. The next step was one with which the late Lord Mayo was connected. The Government of the day entered into negotiations to see whether they could agree upon terms by which a Charter could be given to the so-called Roman Catholic University to grant degrees. But I need not allude to this attempt further than to say that it was entirely abortive, except in so far as it showed that, in the opinion of Lord Mayo, this was a question which urgently required attention. Thereafter the question became one of great importance in the general politics of the country—so much so, that Mr. Gladstone made it one of the chief points of the programme he announced to the country before the change of Government took place in 1868. He pledged himself not only to disestablish the Irish Church and to deal with the tenure of Land, but also to deal with the question of University Education in Ireland. That pledge the late Government endeavoured to redeem in the year 1873. I will not allude to the particulars of the scheme and to the discussions which took place, for they are all, no doubt, sufficiently familiar to the House. It had the merit, at all events, of being a full and comprehensive scheme—it was a bold attempt to deal with the

whole question. At first it met with a very considerable amount of support; but, subsequently it met with determined opposition at the hands, if I remember rightly, of a combination of extreme Liberals, who advocated secular education, with a certain number of Roman Catholic Members. The Bill was defeated, and with it the Government of the day. My Lords, the next step that was taken was to remove the tests which prevented those who were not of the Church of Ireland from sharing in the benefits of the endowments of the University of Dublin. It was supposed by those who had opposed Mr. Gladstone that by opening those endowments to all they might settle the University question. It was an excellent measure; but it was not a solution of the difficulty. So the question has remained till the present year, when, unless I have been misinformed, the present Government have thought the matter of so much importance that they have entered into negotiations with the Roman Catholic Bishops with a view to the formation of a scheme which might be laid before the House. It has been whispered that the nature of the new scheme was similar to that of the measure that has been brought forward in the other House. But, though the Government had come to the conclusion that the measure was not one that could command their approbation, so urgent did the matter appear to them that, at very short notice and at this very late period of the Session, they produced their own Bill on the subject. I hope that noble Lords will cast their eyes back on this brief history and consider whether they can believe that this grievance can rightly be characterized as an inconvenience or a deficiency. Such words are wholly inapplicable to a problem that has perplexed Government after Government, and has caused more divisions among Parties than any other question of our time. In using such words, the noble and learned Earl apparently thought that if his Bill was simple some of his hearers were still more simple. My Lords, I think it is easy to show that it is not only an inconvenience and a deficiency, but a grievance, genuine and substantial. Now, what is the complaint of the Irish Roman Catholics? I understand it is this. They point to Trinity College, Dublin, and allege that though Trinity

College has recently been opened to all, yet such is the history of the College—and a noble history it is, in my opinion—that it will necessarily be a long time before it becomes a place of education to which they can send their sons without injury to their faith. That is the view taken by a very large number of Roman Catholics; and the same thing is said by them of the Queen's Colleges, which, being places of secular education, do not meet with the approval of the clergy of their Church. I regret as much as anyone that our Roman Catholic fellow-subjects should think themselves bound to obey the behests of their ecclesiastical leaders. I have no sympathy with such feelings; but such is the fact, and we should not be justified in disregarding it. They can point, moreover, to this fact—that in primary education, though it is nominally mixed education, yet, owing to the numerical preponderance of Roman Catholics, the schools are, to all intents and purposes, denominational, and very different in character from the Queen's Colleges. They point naturally to the policy of the Government in the last Session of Parliament, and argue that, as the grievance was acknowledged and remedied in the case of intermediate education, so, in the present case, the boon should be granted, not only of an Examining Board, but of substantial endowment. They point, lastly, to the fact that the large majority of the Irish population are Roman Catholics; and that, though they are the poorest part of the nation, they have to provide their own higher education at their own expense. Secular education, and education in conformity with the Church of Ireland, are both aided by Parliament; but the majority are without any assistance in the matter of University Education. That is the grievance. Is it altogether unreasonable? My own sympathies, personally, are not with the Roman Catholics, but in favour of an education of a very different kind; but, while I dislike an education that is controlled by ecclesiastics, I have a still stronger dislike to no education at all. I think by education that principles of a more liberal kind may be instilled into the minds of the population, and that if one is more likely to be led by ecclesiastical authority than another it is the ignorant and ill-used man. But I ask your Lordships whe-

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ther the Bill before it can be regarded as a remedy. Its provisions are extremely simple—it differs from the Bill of 1866 only in the fact that it treats the Queen's Colleges and the University, if not with scant justice, at any rate, very cavalierly. It deprives the Colleges of their independent existence, and merges them in the new University. Now, what is the urgent necessity for this measure? If an Examining Board is wanted, there is the University of London, and also that of Dublin, at either of which it is, I believe, possible to obtain degrees without actual residence. That, of course, is the case with the University of London, and, I understand, at Dublin also, on payment of the necessary fees. There is, therefore, no very urgent necessity for the Bill. I do not say that there is anything very harmful in it; I am the last person to say so, because I remember that my Colleagues in the late Government of 1866 proposed an extension of the powers of the Queen's University; but I do venture to assert that, as a remedy for a grievance, this scheme is wholly inadequate. Is it impossible that this grievance should be remedied? We have last year seen the Government deal in a very liberal and wise way with the question of intermediate education—and we may ask what can be the reason why University Education should be treated in an entirely different manner? The noble and learned Earl has said that the Government disapprove the Bill in the other House because it proposes to endow a particular College; and to endow a particular College was inconsistent with the compact made with respect to the Surplus Fund of the Irish Church. But is it impossible to find a way of disposing of part of that surplus in some manner congenial to the measure of last year? No one imagines that the direct endowment of a Roman Catholic College could be proposed or carried, either by the present, or by any Government; but the Bill of last year has not endowed intermediate schools, and I cannot see why it is consistent with the compact made that the surplus should be employed for one educational purpose and not for the other. It may, perhaps, be argued that it was the intention of the Parliament that passed the Bill for the disendowment of the Irish Church that the surplus should not be used for

any such object; but that contention has been disposed of by the unanswerable argument that one Parliament cannot bind another. I go, however, on the principle that this Parliament has already decided the question by determining that the surplus may be applied to Irish education; and, that being so, I cannot imagine why it cannot be used as well for higher as for lower education. The word "endowment" has been much insisted on, and the noble Earl at the head of the Government has said that, though he could not sanction an endowment, he could say nothing with respect to grants. Can it be the intention of the Government to propose a grant? Nothing, I think, could be more undesirable than to make it necessary to vote year after year fresh educational grants—I feel that those for the Queen's Colleges have already caused more than enough trouble. Now, would it not be possible, I will ask, to put an end to the whole of those grants, and to provide that a portion of the Church revenues should be applied in such a manner as to be available for the promotion of learning for all students connected with the proposed University? Suppose that a permanent sum out of the Church Surplus were allocated to the students of all the Colleges, so as to secure that the Colleges should have their fair share of the advantages thus conferred, and that the Parliamentary grant were at the same time withdrawn. A statesman-like scheme might thus be produced which would place education in Ireland on a permanently satisfactory footing. The question once thus settled, there would be no necessity for its coming year by year before Parliament, and very little more might possibly be heard of the subject for years to come. But, be that as it may, the present Bill furnishes no solution of the difficulty. It may be thought that I, and those with whom I generally act, have a certain sense of satisfaction in casting doubt on the utility of the measure, and that—to use a common expression—our cue is to throw dirt on the proposals of the Government. So far from that, however, being the case, although I regard the Bill as a mere shadow, I do not wish to throw any obstacles in the way of the settlement of the question of University Education in Ireland. It may be a very pleasant feeling to look on at the

difficulties of others. The poet said—

"*Suave, mari magno, turbantibus æquora ventis,
E terrâ alterius magnum spectare laborem;*"

but it was so—

"*Non quia vexari quemquam est jucunda
voluptas,
Sed quibus ipse malis careas quia cernere
suave est.*"

And the condition is wanting in the present instance, for the question is one which has perplexed all Governments in past years, and it is the interest of all parties, as well as of the nation at large, that it should be settled. It is because I cannot see that the measure before the House affords any prospect whatever of solving the difficulty that I cannot help feeling that it is not worthy of the serious attention of your Lordships.

VISCOUNT CRANBROOK: My Lords, the speech of the noble Earl who has just sat down appears to me somewhat inconsistent with the conclusion at which he has arrived. If the measure be of the worthless character the noble Earl has described, and if it affords no solution of the question with which it professes to deal, then it is only natural to suppose that he would have concluded his remarks by moving that it should be put aside, and that the time of the House should be no further wasted upon it. But the Bill, at all events, has this merit—that, so far as it goes, the noble Earl had not a word to say against its provisions. He has admitted that so far as it goes it is not objectionable. It is, at all events, a matter of some importance that there is a measure before the House, with regard to which noble Lords on both sides of the House can thus far agree. For my own part, I will say, as I said when the Bill of Mr. Gladstone was before the other House of Parliament, that, personally, my predilections are strongly in favour of denominational education. Upon that point I have never concealed my opinion. I believe it is the system which is best, and the most conducive to the interests of all concerned. But your Lordships have to consider what occurred when the Irish Church was disestablished. The principle was then laid down that for the future in Ireland religion was not to be patronized; that no distinction was to be made between one religion and

another; and that no one religion was to have any endowment over the other. That was the principle laid down emphatically—that is the condition of things as they now exist in Ireland—and you must look at the question in that light. In England, as well as in Ireland, the Universities have been placed on a similar footing; and it is just as hard, I may be permitted to remark, that in Ireland Churchmen should be deprived of their right to denominational education as that Roman Catholics should be. In England, too, the members of the Established Church have been deprived of rights which they did not so much value as exclusive rights, as a privilege which enabled them to obtain education for their children in the form most consonant to their feelings. A different principle has, however, been laid down, and it is upon that principle that the present Bill is based. The noble Earl has spoken of the simplicity of the measure. No doubt, it is of a simple character; but it is so, because the subject with which it deals is one which admits of only a simple form of solution. The moment a certain point is passed passions and controversies are likely to be aroused, which will prevent you from dealing satisfactorily with the subject; and, for that reason, it is necessary that the proposal of the Government shall be simple. The noble Earl himself said that when he was Lord Lieutenant of Ireland a solution of the question had suggested itself to him, which was not altogether dissimilar to the plan now before the House. The Government acknowledge that there exists—I do not care whether it be called a grievance or a deficiency—in connection with the subject, and they believe that the plan which they have submitted for the approval of Parliament is the most equitable way of dealing with it. The noble Earl referred to the proposals made by Lord Mayo with the view to providing a remedy for that deficiency, and said that if they had been accepted the Roman Catholics would have had the advantage of an endowment; but, instead, the endowments of the Irish Church were overthrown. But your Lordships must bear in mind that the circumstances at that time were very different from what they are now. At that time denominational

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education was recognized; and if that Bill had been accepted, the Roman Catholics would have had the advantage of concurrent endowment, of which, by their refusal, they deprived themselves. But when the Irish Church was disestablished, it was settled that the ground on which peace should be made was that Ireland should be secularized; that no religious denomination there should be placed in a position of inequality with any other; but that all should be placed on the same level. So far as the Roman Catholics were concerned, they, to a certain extent, received a permanent endowment for the education of their priesthood; the Presbyterians got the *Regium Donum*; and a certain sum was given to the Disestablished Church in order to compensate for what was called the recent endowments; but that was really a question of compensation only, and not a question of the principle of religious endowment. As to what has been done in reference to the subject this year, I will observe that the Government saw the difficulty of passing any measure dealing with the question of Irish University Education at the commencement of the present Session; but when the circumstances of the case had entirely changed, and a measure was introduced into the other House which — not directly, but indirectly — proposed endowment, the Government thought it was better to state what they really meant to do in the matter, and, therefore, the Bill under discussion has been laid on the Table. The Bill proposes a University in Ireland absorbing the Queen's University, but not interfering with the Queen's Colleges. The Queen's University of Ireland is not a teaching, but an examining University. With respect to this University, the Government propose to constitute the enlarged University on the same footing, very much, as the Queen's University is at present. I do not know what may be done in the future; but, as the noble Earl has said, nobody at the present day would attempt to endow directly a Roman Catholic institution. The noble Earl spoke of the poor population of Ireland, as if they were the persons to be admitted to University Education; and he spoke of the great majority of the Irish as being that poor population. Now, my Lords, do not deceive yourselves with the idea that it

is probable or possible that any Government will bestow money with so lavish a hand as to meet the requirements of a poor population, and give them an education which they could not otherwise get. The outside you can ever do is to give special prizes to successful students. The question of a grant is one for the House of Commons; but with respect to the Queen's University, it is in a totally different position from that of the Queen's Colleges; and as to the University about to be constituted, it will not at all raise those controversies which the Queen's Colleges might raise. Now, my Lords, what is the present condition of affairs? The Roman Catholics complain that they have a grievance in not being able to obtain a degree in any University in Ireland. They complain, beyond that, that they are shut out of a University Education — that they have none of the Educational advantages which are given to other denominations in Ireland. That state of things was remedied to a great extent by the Intermediate Education Act, the effect of which is to prepare youths for a University Education. A great deal has been done by the Roman Catholics, as the noble Earl has said. They have founded that College which has been distinguished by some very remarkable men who have been connected with it, and who have done much for the Roman Catholic population of Ireland. I have no doubt they will do much more; and I have no doubt that when there is a University in Ireland at their disposal the Roman Catholics, by their own exertions, will reap the full benefit of the University which we propose. If we were to take the step recommended by the noble Earl, we should at once raise controversies which by this Bill we are enabled to avoid. By this Bill we are enabled, in the matter of University Education, to do justice to every sect and creed in Ireland. When the University which we propose is in full operation it will confer the greatest possible benefits, and will meet the requirements of the Roman Catholic population.

Lord O'HAGAN: My Lords, last year, when the Intermediate Education Bill for Ireland was introduced by my noble and learned Friend on the Woolsack, I had real pleasure in giving it my humble but earnest support. It was

the measure of a Government to which I am in opposition, and it was calculated to secure for them much acceptance and approval. But it was just in its principle, impartial in its action, comprehensive and efficient in its machinery, and designed to promote the sound instruction of all the people, without annoyance to the religious susceptibilities of any section of them; and I was prompt to express my appreciation of its merits and my gratitude for the great boon which it bestowed. I hoped that I might to-day have welcomed a similar act of wise and benevolent statesmanship, and seen a measure drawn on the same lines and aimed at the same results, *mutatis mutandis*, to which I might have given warm adhesion. It seemed to me that such a measure would have been satisfactory to all reasonable men, and would have largely tended to secure the equality and justice for which the Catholics of Ireland have for many years contended. The precedent was complete—in establishing identical rights amongst the various religious denominations, and giving, for the purposes of intermediate education, the same aid which would have been effective, with proper modification, for the maintenance of a University available for the benefit of all. And as the precedent was complete, the time for applying it was auspicious. The Bill introduced into the Commons, with the full approval of Catholic Ireland, was moderate in its provisions, and presented in the spirit of conciliation, and with a real wish to effect an honourable compromise. I shall, of course, like the noble and learned Earl on the Woolsack, avoid any discussion of the details of a measure which is not before this House; but I may be forgiven for repeating the protest uttered by the noble Earl on the Cross Benches (Earl Grey) against the doctrine which would preclude Parliament from freely applying the surplus of the Irish Church Fund, as it may deem best for the public benefit. In my mind, it is impossible to imagine an application of Irish money, for Irish purposes, more legitimate than that which would be made in improving the education of Ireland, and so promoting her very highest interests. But, surely, the action of the last Session should make controversy on this point impossible. If it was allowable to give £1,000,000 of the fund to be spent, *inter*

alia, on result fees confessedly for the assistance of intermediate schools of all denominations, with what sort of consistency can it be said that there would be breach of faith, or violation of principle, in bestowing as much, to be disposed of in the same way, for schools supplying a higher culture? There was nothing of sectarian endowment in the first allocation of the money, although Roman Catholics had the benefit of it, like other people; and there would be as little in the second. The result fees are received by sectarian institutions; but not because they are sectarian or for sectarian purposes. The State demands only good secular instruction, and pays for nothing else. It concerns itself, to use a phrase of my noble and learned Friend, only with the manufactured article; and if that be supplied in good condition, the manufacturer has his reward, whether he be Catholic, Presbyterian, or Episcopalian. The cases seem to me undistinguishable, and Parliament would be perfectly within its right, if it dealt with the second as it wisely and generously dealt with the first. But we have the highest authority for denying any distinction between them, and asserting the Constitutional power of the Legislature so to dispose of the surplus, whatever may have been the views originally entertained about it. In the debate on the second reading of the O'Connor Don's Bill in the House of Commons, the Leader of the House, the Chancellor of the Exchequer, used these words—

"In the debate of to-day, as to whether it is or is not in the power of Parliament to alter the disposition of the funds, which was contemplated by Parliament at the time the Church was disestablished, everybody, of course, must admit that, at all events, technically speaking, it is free to Parliament to alter the work which has been done by a preceding Parliament, and to vary the disposition of the funds which were formerly intended to be appropriated in a certain way."—[3 *Hansard*, cclxvi. 990.]

The difficulties in the application of the doctrine to which he adverted as to a Conscience Clause and other things have no real existence. So that principle, precedent, and authority combined to justify conclusively the proposal of the O'Connor Don, in this regard. Altogether, it was an honest effort to attain a fair and moderate solution of a difficult question, and if that question be not solved, the fault will not rest with

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the Irish people or the Irish Catholic Episcopacy. The reasons for making such an effort and helping it to a happy issue are, in my mind, irresistible, and clearly confessed to be so by the Bill which has just been presented for your Lordships' consideration. Utterly inadequate, as I believe it, to satisfy the essential conditions of the full and lasting settlement of a question of capital importance to Ireland and the Empire, it is, at least, an emphatic testimony to the necessity of somehow reaching such a settlement. Of that necessity the declaration and the acts of statesmen and Administrations of every Party had already made repeated avowal, placing it fairly beyond dispute. The Head of one Government deplored the scandalous condition of Irish University Education. The Chief of another negotiated as to the terms of a scheme for its improvement. There is almost universal assent that a grievance exists which must have a remedy; and that assent was never more emphatically expressed than by the late speeches of Ministers in "another place," and by the admission, inevitably involved in the production of this measure, that for the masses of the Irish people existing institutions do not properly supply the means of higher instruction. Trinity College is venerable in its antiquity, ample in its endowments, liberal in its spirit, and illustrious in the great men who have passed through its portals. The Queen's Colleges, established by Sir Robert Peel with an honest purpose to serve and satisfy the Irish community, have very able Professors, very ample funds, and very great attractions for their students in the way of scholastic honours and substantial rewards. But, excellent as these institutions are for all who can use them conscientiously, they have undoubtedly failed to supply the mental requirements of the Catholic people. The great majority of the Irish are Catholics, and from the existing Colleges they have no proportionate advantage. It may be said that the Roman Catholic population are poor and backward in intelligence, and less fit or eager for University training than their fellow-subjects of other creeds. Admitting that it may be so, still the disproportion is enormous and unnatural, and the evidence it gives of dissatisfaction with things as they exist is made conclusive by repeated de-

clarations of thousands of the middle and higher classes of Catholics—Peers, magistrates, traders, and landowners—all affirming the necessity of a change; and, even more, by the abundant contributions of a poor community made, year after year for a quarter of a century, until, in the aggregate, they amount to nearly £200,000, for the purpose of establishing and supporting a Catholic University. But I need not multiply proofs of the feeling which, rightly or wrongly, pervades the Catholic multitude. This Bill, I repeat, is conclusive as to its existence, and conclusive also in demonstrating that means must be adopted, and means very different from those which it supplies, to remove that feeling by taking away the educational inequality and the educational injustice in which it has originated. With that feeling you may have little sympathy. You may say it is prompted by submission to authority which you do not respect. You may call it unreasonable or unwise if you will, and blame those who cherish it for foregoing those intellectual advantages which are undoubtedly within their reach, merely because they cling to a principle which asserts the paramount necessity of uniting religious with secular instruction. My Lords, it does not concern me to maintain the opposite conclusion. It is enough for my argument, if the majority of the Queen's Irish subjects are clearly shown to have convictions which, however formed and however estimated by others, disable them from profiting by institutions of the State to which their fellow men may honestly have access, and gain great benefits without compromise of conscience. In this country, they are free to cherish those convictions; and to put them at disadvantage and subject them to disability, because they exercise their unquestionable right in doing so, is, in their judgment and in mine, a grievance and a wrong. They claim educational equality, and nothing more. Their claim is logical, constitutional, and righteous; and one way or another, at one time or another, by one Parliament or another, it will certainly be allowed. The full concession of that claim may be difficult, not only because of sectarian and Party prejudice, which makes men slow to recognize the right of others to think as freely as themselves; but because of the prestige which attaches to

old seminaries, the completeness of their machinery, and their resulting superiority over competing institutions of shorter standing and less well-accounted to fulfil their purpose. It may be difficult or impossible, for these or other reasons, during many a long year to achieve real educational equality in Ireland; but it behoves the State to promote it by all feasible means, and, so far as may be, to redress the balance between those who are content with purely secular instruction and those who are not, and to secure fair play for the latter by such assistance in satisfying their desire for good University training, as may enable them to maintain, at least, an honourable place in the competition of intellectual progress. Unless something of the sort be done, the demand of the Irish Catholics remains untouched, the inequality unrectified, and the injustice unredressed. If one section of the community receives from the State the completest apparatus for teaching and endowment, under conditions of which it cordially approves, and another is denied any use of the apparatus because its principles, rightly or wrongly, forbid it to fulfil those conditions, the disparity is flagrant, and, in a country where men are equal before the law, ought surely to be done away. Now, my Lords, I am sorry to say that, this being the real grievance to be dealt with, it is not even approached by the proposals of the Bill. The measure is substantially a reproduction of the Supplemental Charter of 1867, which was so violently denounced by the enemies of the Liberal Administration of the time, and destroyed by the efforts of the friends of the Queen's Colleges. And it is offered, when circumstances have wholly changed—after the negotiations with Lord Mayo, the rejection of Mr. Gladstone's Bill, and the acceptance of the principle of educational equality by many of the best and most influential Conservatives and Liberals in the House of Commons. It is a thing born out of time, and felt on all hands to be an unwelcome and unwished-for abortion. It offers merely the opportunity of obtaining degrees, in a new University, to all comers, wherever or by whatever means they have obtained the knowledge necessary for matriculation. But it gives no aid

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towards the attainment of that knowledge. It makes to the majority no compensation or counterpoise for the abundant provision secured to the minority. It avoids the difficulty, and ignores the complaint, with which the Legislature has been asked to deal. No doubt, the increase of facility for obtaining degrees is in itself a good thing; but even with reference to that, its sole concession, it really gives nothing to the people of Ireland. Foregoing the advantages of residentiary study, they have already the right to obtain degrees in Trinity College without living there, and those degrees will, for many a day, have a higher value than others comparatively discredited by the novelty of the institution which bestows them. They can graduate in the London University, passing at their own homes the examinations which are held in Ireland by its officers; and, again, degrees so obtained are certainly not less valuable than will be those of a University still *in posse* and as yet unnamed. This Bill gives the Irish Catholic nothing which he has not in better form already, and denies him everything for which he has asked and waited through years of deferred hope, and social disadvantage and pecuniary sacrifice. He demands educational equality, and his inferiority is continued, and Parliament is invited to sanction and perpetuate the wrong against which he has protested. My Lords, I say, in the words of a great journal not unfriendly to the Government, "This will never do." If any change was to be made, surely it should have aimed to supply admitted wants and content reasonable aspirations. The Bill is its own condemnation. *Habemus reum confitentem*. It is a solemn confession of the need of improvement, and it leaves things no better than they were. Why should this be? Why should one class of the subjects of the Realm, who loyally bear its burdens and sustain its interests as much as any other, be debarred from privileges which others enjoy, because they prefer religious education, and decline for their children education which is not religious? I remember, whilst the school controversy raged in England, feeling some sense of indignation when I heard a leading secularist at once haughtily and condescendingly declare that denominationalists might

educate their children, if they pleased, according to their own principles; but that they must pay for the education out of their own pockets. The secularist and the denominationalist must pay the same taxes and sustain the same social liabilities; but the one should have his child instructed through the public money, and the other at his own expense. It seemed to me that there was as little of equity in such an arrangement, as of modesty in the pretension to such a preference by the State for one set of opinions, when all which consist with the welfare of the commonwealth should enjoy an equal favour. If this Bill should pass in its present shape, those who are desirous of religious education will stand precisely where they are, with an additional opportunity of scrambling for degrees as best they may; whilst Trinity College and the Queen's Colleges, to which, *ex hypothesi*, and on concession, they will have practically no access, will retain their great revenues and shower golden prizes of Fellowships and Scholarships and bursaries and exhibitions, on those who are so fortunate as to belong to them. They will continue to supply all the appliances and means of a perfect education, while the outside multitudes who cannot share in these excellent things will be left to pine and struggle, in the hopeless effort to achieve such knowledge as may enable them to compete on equal terms with their neighbours in the battle of life. Assume, what this Bill confesses to be true, that there are very many in Ireland whose convictions must put them in this position, and what have we but penalties still imposed for the free exercise of conscience, and premiums still bestowed for the profession of particular opinions? My Lords, I do not despair of seeing this Bill amended in its further progress. It is at present an ungainly skeleton. But it may easily be clothed with flesh and muscle, animated with life, and made pleasant to see and profitable to use. I still hope for the just and reasonable settlement which the Government has power to make, and from which it will earn gratitude and honour. Let it seize the opportunity of solving a vexed and embarrassing and dangerous question. Let it refuse to disappoint the awakened hopes of Ireland. It has made pregnant admissions; let it accept their conse-

quences. It has confessed a grievance; let it be wise and generous in affording adequate redress.

THE EARL OF LEITRIM: My Lords, I have not been trained at either of the Universities; but my anxiety to see this question settled is so great that I will, on this occasion, suffer my patriotism to overcome my diffidence. My Lords, when this measure was introduced into your Lordships' House, the noble Earl the Leader of the Opposition interrogated the Government as to whether they were really in earnest in their desire to pass this measure this Session? The answer of the noble Earl the Prime Minister was significant, for he stated that it depended much upon the noble Earl opposite (Earl Granville) and his Friends whether or not this measure became law. I do not complain—bitterly, at all events—of the criticism which has been bestowed on this measure by noble Lords opposite. The Bill was criticized with some warmth by the noble and learned Lord who spoke last (Lord O'Hagan). He described it as inadequate and useless. I will go with him so far as the word "inadequate" describes the measure; but as to being "useless" I deny it. Then the noble Earl, also, who opened the debate, described it as inadequate; I go with him on those grounds—I think it is inadequate for the requirements of University Education in Ireland. My Lords, I think you will follow with some attention the criticism of noble Lords opposite—for I gather with much satisfaction that really there was not any criticism hostile to the principles of the Bill. I congratulate the Government upon the basis upon which they have endeavoured to effect a settlement of this great question. I agree entirely with the principle of this measure; but I must point out that the question can only be settled by compromise, and I trust I shall not be considered presumptuous if I venture to indicate a way in which the difficulties may be removed. I suggest that they follow out the lines upon which they proceeded last Session in reference to the Intermediate Education Act. The question of endowment of any denomination will not then arise. I would also humbly suggest that in the matriculation examination for the new University some exhibitions might be given—say £50 or £100—to a certain number of

candidates annually, to be continued for three years. That would enable them to pay for and obtain the higher education, and would eventually enable them to obtain a degree in the new University. Those exhibitions should be open to all—Protestants and Roman Catholics—though I do not deny that, probably, the larger number would be obtained by Roman Catholic students. I do not see why we should deny to Roman Catholics the higher education which at present is not within their reach, when they can obtain it by the arrangement recognized by the Intermediate Education Act. My Lords, for that purpose a grant and endowment from the Irish Church Surplus Fund might be made, as in the case of the Intermediate Education Act of last year. The amount required would not be much—£15,000 or £20,000 would be sufficient—and I urge upon the Government not to deny that University Education which the people of Ireland ask for.

THE EARL OF DONOUGHMORE hoped the Government would try to make some provision in the nature of endowment. He reminded their Lordships that if the present occasion were allowed to pass, the demands of the Irish Roman Catholics would have very materially increased when the question should come to be re-considered. Some further concession, he held, should, therefore, be made by the Government.

LORD INCHQUIN: My Lords, I feel it my duty not to remain silent upon this matter, which is of the greatest importance to Ireland. I heard the statement which the noble and learned Earl on the Woolsack made the other evening in introducing this Bill, and, while I thought the scheme of the Government was good as far as it went, I considered the provisions of the Bill to be totally inadequate to meet the claims of my Roman Catholic fellow-countrymen. Now, my Lords, I speak as a member of the Disestablished Church of Ireland, and as one entirely opposed to the doctrines of Roman Catholicism; but, at the same time, I think the Roman Catholics of Ireland have a very serious grievance, and one which I am not at all surprised they should have brought forward on this occasion. I can only express my sincere regret that Her Majesty's Government have not looked the matter boldly in the face, and

brought in a Bill that would have set the question finally at rest. An observation fell from the noble Viscount who spoke from the Ministerial Bench (Viscount Cranbrook), which appeared to me scarcely to be justified. He said there was perfect equality in Ireland in regard to this question of Irish University Education. I am not prepared altogether to go that length. There is no doubt whatever that the University of Dublin has been opened to everyone that may have a desire to go there; but by this time it must be well known that the University is practically a University mainly used by the members of the Disestablished Church of Ireland, and, therefore, I cannot say that the Catholics are placed upon the same footing. But, my Lords, it seems to me that it would be easy for the Government to proceed on the lines of the Intermediate Education Act of last year, which met with the approval of both Houses of Parliament. Such an arrangement as that would provide that Roman Catholics could participate in prizes and Scholarships, and so place them upon the same footing as the members of the Disestablished Church; and, so far as my opinion goes, I think the Government can perfectly well use the Surplus Funds of the Disestablished Church for the purpose. I think, too, my Lords, that it would be a mistake to vote such a grant from the Consolidated Fund involving an annual application to Parliament, which would be most undesirable. I think, my Lords, it would be perfectly easy to pass such a scheme, and if it had been proposed I think it would have met with the approval of the large majority of the people of Ireland; but I fail to bring myself to believe that the present Bill will in any way meet the necessities of University Education in Ireland. I hope the Government will seriously consider what Amendments it will be satisfactory to adopt.

EARL SPENCER: My Lords, I always feel reluctant to trespass upon your Lordships' time; but I think I may claim some right on the present occasion to express an opinion upon this question, because I was Her Majesty's Representative in Ireland for nearly five years, and during that time I had an opportunity of gathering the opinions of Irishmen upon the subject; and,

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moreover, I took a part in the preparation of the Bill brought forward in the House of Commons by the late Government. I confess I was most disappointed when I heard the statement of the noble and learned Earl the other night in introducing this measure, because I felt that the Bill presented was not one which would satisfy the just wishes of the people of Ireland. I felt some surprise that the Government should have proposed such a measure, for I felt sure that the noble Earl at the head of the Government would know as well as anybody that it is no use dealing lightly with this question after its settlement had already baffled the attempts of the two Parties in the State, and had caused the defeat of an Administration at a time when it could boast of being one of the strongest the country has ever seen. So far as this debate is concerned, I see no reason to alter my opinion upon the subject; as the Government, since my noble Friend (the Earl of Kimberley) opened the debate, has not led us to hope that any concession will be made to meet the difficulty. The noble Viscount on the front Ministerial Bench (Viscount Cranbrook) spoke of the Bill as a Bill which would settle this great and important question; and, since then, if nothing more was required to show that the provisions of the Bill were inadequate, there were no less than three noble Earls on the Conservative Benches who rose and expressed their dissatisfaction with the measure. We have already heard something of what the grievances of the Irish people are, and I feel quite sure that we have not underrated them. They are—That they cannot conscientiously send their children to Trinity College; they cannot send their sons for University Education to the Queen's Colleges. They have not confidence in the Governing Bodies of the Queen's Colleges and Dublin University—at all events, in the manner in which those Bodies regulate the examinations. Now, it may be said, and it has been said, that within the last few years a great measure had been introduced—namely, the removal of all tests from Trinity College, Dublin. I quite admit that, and that Catholics may now obtain the prizes which the College awards; and they may even look forward to the time when they may be able to take part in the government of the

College. But this does not remove the grievance under which the Roman Catholics labour. They cannot hope to have their share in the Governing Body of Trinity College for many years, and they object to send their sons to a College where there is mixed education. The same observation applies to the Queen's Colleges. Now, as far as my individual opinion goes, I am favourable to the principle of mixed education. I believe that students may pass through it without the least danger to their religious faith. I believe that great good may be done by people of different faiths completing their education side by side, and that that religious rancour which has so often disturbed the peace of Ireland may be removed by that system. But we know that the Queen's Colleges were instituted upon these principles, and that it was hoped, at the time those Colleges were instituted, that the Roman Catholics would have been satisfied with them. But what do we find? We do not find that these Colleges have failed—on the contrary, they have done great good; but do we find the Roman Catholics approving the system upon which the Queen's Colleges were established? Far from it; you will find Roman Catholic Bishops denouncing these Colleges; the Roman Catholic organs in the Press condemn them, and the Roman Catholic people decline to use them. You cannot, therefore, say that the Queen's Colleges and the Queen's Universities have succeeded in the direction in which it was anticipated. It may be that a very large number of Roman Catholics make use of the Queen's Colleges. I quite admit that a considerable number of Irish Roman Catholics have done so. Consider in what a position they are when they go to those Colleges. It is necessary for them that they should receive a University Education, and the only means of obtaining it is by entering either the Dublin University or the Queen's Colleges. When they are placed under this necessity they very often have to disregard the advice and teaching of their spiritual advisers, and at the expense of their own feelings and conscience. But is it fair that they should be placed in this dilemma—that they should have to go against their own conscience in order to obtain this important part of their education? I maintain that in this they have a very

great grievance, and that Parliament ought to offer them some means by which they can obtain a University Education without being placed in such a position. I should like to allude to two matters connected with the non-residents at Universities. An allusion was made to what was done at Trinity College with regard to non-residents, where the students were permitted to take their degrees if they would come up and pass, I believe, eight examinations. This would, of course, remove a great many of the grievances which the Roman Catholics have; and yet do we find that of the large number of students availing themselves of this means of obtaining a degree there are many Roman Catholic students? I have not been able to obtain information up to the present time; but I know what were the numbers who were admitted by that mode in 1871. I believe I am correct in stating that in that year 194 students received the degree of bachelor of arts; 122 students attended the lectures, whereas only 72 attended no lectures. This, I think, will show to what extent non-resident students in the year availed themselves of the means open to them, and that amongst students at large this is not a favourite mode of examination. Now, we will just look how many Roman Catholics attended Trinity College. There were 11 Roman Catholic students, and only one Roman Catholic was non-resident. I believe we shall find that the Dublin University is not very much resorted to in Ireland for the purpose of obtaining a degree. I understand that the London University is willing to send over an Examiner on payment of £30 to examine non-resident pupils. But I know this—that up to the year 1868 there were only 59 students in the College of Carlow who used this means; and, therefore, from these facts, I think I have pointed out that a mere Examining University is not what is wanted in Ireland, and that some higher means of teaching than those at present possessed by the Roman Catholics is required. And now what is the remedy for the existing state of things that is proposed by this Bill, which I quite admit, as far as it goes, may be a good measure, but it is at present totally inadequate? A Roman Catholic would, under its provisions, be able to go to any

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Roman Catholic institution and get his education, and after that he could obtain a degree from the Examiners of the new University. But this would not remove the grievance. What the Roman Catholics say is this—"We have to compete in a race in which we are too heavily weighted. The Protestants are able to get the best possible education at Colleges endowed with State money, and where, as at Galway, Cork, and Belfast, the State has provided magnificent libraries and all things necessary to increase the educational advantages of these places; but we—the Roman Catholics—are entirely dependent on private munificence, and such facilities are with us almost entirely wanting." I think, therefore, that the grievance is a real one, and that the Roman Catholics are handicapped so severely that they have no chance. There is a very considerable grievance which this measure will in no way remove; but is it not possible for the Government to make it a measure of great importance? I concur with those who think it would be disastrous to depart from the principles that have been laid down against denominational endowments. It may be said that the only sect requiring educational endowments is the Roman Catholic sect. How are we to insure that some other sects will not make a similar demand in the future? Still, I feel sure that a remedy for the existing grievance can be found without infringing the principle I have referred to. I agree with the noble Lord opposite, who thought that measures ought to be secured for founding a Professorial Chair and making the University a teaching University, with Scholarships, bursaries, &c., and that all this could be done without violating the principles of endowment which Parliament had expressly approved. In conclusion, I protest against the attempt now made to carry a totally inadequate measure; and I urge Her Majesty's Government to so alter the Bill as to render it larger and more comprehensive, and one that will be worthy of Parliament, which has often shown that it knows how to increase the learning of the people.

VISCOUNT POWERS COURT: My Lords, I know perfectly well the great want there is of education—I mean University Education—for Catholics in Ireland, and I do hope that the Government

will now boldly insert a clause into this Bill to endow the University.

THE MARQUESS OF SALISBURY: It is generally admitted that the question of University Education in Ireland is one which is full of difficulty; but there is, at least, this consolation—that at the outset we meet with a considerable amount of agreement. All are willing to concede that the present state of affairs in respect to the granting of degrees in Ireland is undesirable, and ought not to be continued. The principle upon which this country is governed, and upon which Ireland is certainly governed, is that we should not by penalties or deprivation attempt to move a man from the particular belief which he professes; but that, so far as we can, we should enable him to enjoy all the advantages which men professing other beliefs possess. It is admitted that an Irish Roman Catholic cannot get a degree except on conditions which are repulsive to him. The noble Earl who has just sat down (Earl Spencer) doubts whether a mere degree will satisfy the Roman Catholic without an offer, at the same time, of money by which the instruction may be obtained of which the degree is the reward; but, in order to prove that, I thought the noble Earl furnished considerations which rather tended in the opposite direction. The noble Earl pointed out that there were at present two methods by which a Roman Catholic can get a degree without previously undergoing a collegiate course which is objectionable to his conscience. He might, he said, take advantage of the wandering examinations of the London University, or of the examinations of Trinity College without residing in it. But, as a matter of fact, he does not do so, and the noble Earl asks the reason why. The noble Earl himself furnished the answer, and it is this—that Trinity College, though nominally open to Roman Catholics, is governed exclusively, I believe, by Protestants, and it is by this Governing Body that the examinations are regulated; and, therefore, the examinations, although open, are not such as to command the confidence of Roman Catholics; and there is thus nothing surprising in the fact that they have not made use of these examinations. I was surprised to hear some of the observations of the noble Earl. He spoke of the examina-

tions of the London University as if they afforded any adequate compensation for examinations in their own country. Place yourselves in the same position, and I would ask your Lordships what would be the feelings of those who now avail themselves of the advantages offered by the London University if they could only get those advantages from a University in Dublin? It is not merely a matter of pounds, shillings, and pence, but one of sentiment; and there is nothing more natural than that Irish students should wish to have the advantages afforded by an Irish University which could confer degrees without imposing conditions disagreeable to their consciences. Though we are all very well agreed up to this point—that it is desirable to have some other machinery than that which now exists, in order to give to the Irish Roman Catholic a degree without imposing upon him conditions disagreeable to his conscience—the moment we step beyond this we find ourselves in the middle of difficulties which have hitherto proved insuperable. The Irish Lords who have risen this evening practically do not care about degrees at all—they say, “We want money.” This money question lies at the root of the case. The Irish Roman Catholics insist that they will have no education of which religion is not a part. The people of this country, on the other hand, insist that no money should be given to support the Roman Catholic religion in Ireland. That is the difficulty on which all attempts to settle the question hitherto have been wrecked. Either we have been unable to satisfy the desires of the Roman Catholics for religious education, or we have been unable to meet the wishes of the people of this country, and so satisfy the feelings of a considerable number of constituents who are opposed to the endowment—I will not say of the religion of the Roman Catholics, but of any religion. In Ireland we are on enchanted ground. Of old, when a knight in sallying forth to rescue a princess passed over enchanted ground, the ordinary thing was for him to pass through a crowd of all the ghosts of other knights who had previously failed in the same enterprise. These ghosts were always good enough to warn him against attempting to do as they had done. We, too, in sallying forth upon this enchanted

ground meet the ghosts of those who have failed before us. One after the other they get up; but, unlike the ghosts in the fairy tale, instead of warning us against following in their steps, the only moral they draw from their own disastrous efforts and melancholy fate is to tell us—"Go thou and do likewise." I heard the noble Earl who has just sat down state that he wished to make the proposed institution a teaching University. Probably he recollected that he was concerned in the drawing up of a Bill for establishing a teaching University, and possibly he will remember that he found it not so easy a matter to divorce secular and religious subjects. Perhaps the noble Earl can call to mind the controversies of that day about lectures on mental philosophy, and history, and the gagging clauses, which were proposed, and which, no doubt, still find a place in the lively recollection of noble Lords opposite. The experience of the past has proved to us that though, abstractedly, there would be very many persons who would admit the desirability of giving pecuniary help for the purpose of supporting secular University Education, which should be open to all sections of the people of Ireland, yet the practical difficulty is to so arrange it without trenching in any degree upon the consciences of Roman Catholics on the one side, or upon the feeling of Protestant constituencies on the other. Those are the difficulties which we have to guard against. They are very great, and have hitherto defied solution. I do not say that they will always defy solution, nor do I use any despondent language; but what I wish to establish is that it is a matter of enormous difficulty, and one on which bitter antagonism and strong feeling are likely to be aroused. It is a matter of lengthened and difficult controversy; and with this prospect of lengthened and difficult controversy we are asked to introduce a large and comprehensive measure. If we had merely to deal with this question with your Lordships with that calmness, sobriety, and, I may say, brevity, which is characteristic of your Lordship's House, we might, perhaps, venture to confront the difficulty; and even to attempt a large and comprehensive measure connected with a bitterly controversial subject. But we have at present, in "another place," an extensive experience of the

fate of large and comprehensive measures on bitterly controverted subjects; and if noble Lords wish us to bring forward a Bill which would be, in the amount of controversy and opposition it would assume, as ten to one to that displayed on the Army Discipline and Regulation Bill, I can only say that I should prefer that that task were deferred until the nation relieves us of the burden which lies upon us. My Lords, I may be a gloomy prophet; but I suspect that the day for introducing large and comprehensive measures on controversial subjects is nearly over. The conventions which used to prevail in "another place" are broken, and the Rules which were held to be consistent with rapid legislation on important subjects no longer suffice for that purpose. It seems to me that in the present state of things it would be prudent to look to the proverb that "half a loaf is better than no bread;" and it is better to deal with such measures as there is a chance of finishing, and solve those problems of which the solution lay within our reach. We must be content with what Lord Palmerston used to call bit by bit reform." We must be satisfied even if our success is not all that we would desire; and if we do not meet all the wants indicated by the outcry that has been raised, we shall, at least, remove out of the way a grievance which has been urged many times, and which, some years ago, noble Lords opposite thought not unworthy of their exclusive attention, and we shall have advanced a very substantial step in removing such wrongs as Irish Roman Catholics can fairly complain of in reference to University Education in Ireland.

EARL GRANVILLE: My Lords, with respect to the gravity of which the noble Marquess has spoken, I think no one can complain of the Bill being "deficient," because it really contains nothing; but as to the merits of the question, I am entirely content with the three speeches which have been made upon this side of the House. It is quite true that those speeches were followed on the other side by two of the most remarkable debaters in Parliament. But I do not think they will consider that I am saying anything discourteous, when I say that they declined to grapple with the real merits of the question, and dwelt upon small points that do not, in the

The Marquess of Salisbury

slightest degree, impugn the statements of my noble Friend. The noble Earl who opened the debate (the Earl of Kimberley) referred to a statement made by the noble Earl opposite (the Earl of Beaconsfield), to the effect that, so far as regarded the progress of the Bill, it depended on what assistance I would render him. And that appeal being so directly made will, I think, justify me in saying a few words upon the subject. The noble Marquess the Secretary of State for India has just admitted that there is really a grievance in Ireland in the matter of University Education, owing to the Roman Catholics not being able to obtain a University degree in Ireland without violating their conscience; and, furthermore, that they should be left without endowment when other denominations are endowed. Well, the grievance being admitted, how is it met? It is met by the introduction of the Bill to which we are asked to give a second reading this evening. After seeing the Bill, I must confess that I am quite at a loss to understand what was the object of Her Majesty's Government in transferring the scene of action from the House of Commons to your Lordships' House; or why, when they only desired to give a clear explanation of their views on this question, the only result should be the introduction of a Bill of such extreme simplicity and brevity that it does not touch the real difficulty at all. I cannot think that that is the way to deal with the subject. The whole substance of the noble Marquess's speech was that the subject was one of very great difficulty. Whoever doubted it? But, my Lords, we naturally expect that when the Government undertake to declare their views to Parliament upon a question of difficulty, they will propose some means by which that difficulty will be removed. But, my Lords, as I have said before, I do not believe that the Bill contains the sole views of Her Majesty's Government. I cannot help recalling the words "or otherwise," which fell from the Secretary of State for India, or the words "at present," which the noble and learned Earl (the Lord Chancellor) used on a previous occasion; and I cannot help remembering that when the Prime Minister made the decided statement that the Government would not sanction endowments, he said

nothing whatever about grants. The noble Marquess opposite (the Marquess of Salisbury) has taunted us with our failures. I admit the failures we made were great; but we did not shrink from proposing a large and comprehensive measure for the consideration of Parliament and the country. The noble Marquess said that what we had said was, "We have failed; go thou and do likewise." Well, I do say so in one sense—namely, go thou and do as you yourselves did last year, if you will carry out the principle adopted by yourselves last Session, we shall welcome you, and you will be warmly supported on both sides of the House. The noble Viscount the Secretary of State for India has reproached my noble Friend (the Earl of Kimberley) for speaking against the Bill without moving the postponement of the second reading. I am glad he did not. I own, for my part, that I should be unwilling, if the Bill is purely and simply the whole plan of the Government, to vote for a measure which I believe to be utterly inadequate to the occasion; and, on the other hand, I feel reluctant to vote against the Bill, if, by so doing, I should prevent it from going to "another place," where the majority of the Irish people are more fully represented than in this House. I think, then, that my noble Friend was right in not wishing to impede the passing of the Bill. I appeal, however, to the Government to state at once what they are inclined to do by way of grants to supplement the measure, and whether they consent to act on the principles of last year, and not expose themselves to the imputation, to use a very vulgar expression, of "waiting to see which way the cat jumps."

THE LORD CHANCELLOR: Your Lordships heard the grounds upon which Her Majesty's Government introduced this measure so fully a few days since that I shall not detain your Lordships at any great length; but there are some observations which have been made in the course of this discussion to which I should like to refer before we leave the question. I will say, at the outset, that I do not wish to follow the noble Earl who has just sat down (Earl Granville) in the observations he has made—which he, as Leader of the Opposition, is perfectly entitled to make—with regard to the proposals of Her Majesty's Government, or with regard to not offering any opposition or Amend-

ment to the second reading of the Bill. I regard the question of University Education in Ireland with too much anxiety and concern to say anything in the shape of sarcasm when the question comes before your Lordships' House; and all I am anxious to do is to clear up the difficulties of the subject. One word in regard to the question of the Supplemental Charter. As it happens, there is all the difference in the world between this Bill and the Supplemental Charter, because the Supplemental Charter was proposed on a principle which was, I think, inconvenient—that of affiliating Colleges to the Queen's University; whereas this Bill studiously avoids that course. I desire to say, further, on the other hand, that the proposals of the Supplemental Charter met with the reprobation—and, certainly, with the disapproval—of Parliament. What were the circumstances under which that Supplemental Charter was granted? When the House of Commons was bent upon considering the question of University Education, suddenly, and after the Government had tendered their resignation, an addition was made to the Senate of the University, and a Supplemental Charter was issued, while the functions of the Government were almost suspended. That was the course which cast so much odium on the Supplemental Charter. It was not so much the Charter itself, as the circumstances under which it was proposed, that was objected to. Now, the observations which have been made to-night are really divisible into two heads—first, what the Bill does contain; and, secondly, what it does not contain. And, in regard to the first, I must say I have been somewhat surprised at my noble Friend saying that this Bill did nothing, and gave nothing, to the people of Ireland. I have listened for many years to speeches on the subject, and from many quarters, and I must say that I never yet heard any person complain of the position of University Education in Ireland who did not give as his first complaint—I do not mean as his only complaint, but as his first complaint—that no person in Ireland could obtain a University degree without going through the course either at Trinity or at Queen's Colleges; and then, when the Government have made a proposal that meets this difficulty, the noble Earl

gets up and says that the Bill absolutely does nothing, and gives nothing, to the people of Ireland. I do maintain that those who urge that the Bill gives no increased facilities for obtaining degrees must be blind to the complaints made during the last 10 years. The noble Earl who commenced this discussion asked what it was we wished to do for Ireland? Those who have a dislike to go to the Queen's College may matriculate in Trinity College, Dublin, and they can obtain their degrees without residence. Yes; but how? Has the noble Earl stated the rules of Trinity College? Does he know that, by the rules of the College, the student not resident within its walls must pay exactly the same sum of money—not any more, but not any less—than if he resided in the College? He must pay the same actual fee as if he resided in the College every month in the year. Now, can it be said that that is a solution of the difficulty which can be acceptable to any person who objects to reside there? You can get your degree; but you must pay the same fee as if you resided there. Nor is that all. In order to get his degree, the student must go up twice in the course of every year to be examined—and not to be examined upon a standard of general reading, but upon specific books, which those in residence in the College are in course of reading in the lectures they receive. That is to say, he must submit himself to the curriculum of education in Trinity College, Dublin, which is the very thing objected to. You must read books just as if you were receiving lectures, and go up twice a-year as well for examination; and yet the noble Earl says there is no difficulty in obtaining a degree in Trinity College, Dublin. Then, he says, there is the London University which will examine in Ireland. But will they examine A B or C D who wishes to be examined for a degree in Ireland? What the London University does is this—if any collegiate institution in Ireland tells the London University that there are a sufficient number of students there to make it worth their while to send over Examiners, and to provide for the expense of those Examiners, then there may be an examination held in that place for those students. But that is not the examination that every person in Ireland wishes to see.

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I ask what would be thought, if there was no London University, and a body of Examiners were offered to be sent from Ireland to examine in England under the same circumstances? Therefore, my Lords, I venture to say that the Bill, as regards what it contains, does meet a very great grievance—it meets the state of things which we have heard complained of year after year on this subject, and it meets it in a way which it is impossible for any noble Lord who has spoken to-night to find fault with. Now we come to the criticisms on what the Bill does not contain. That is a point to which I desire to address myself clearly and distinctly—and I beseech your Lordships not to be led away by high-sounding words—words which indicate that the matter has not been properly and carefully thought out by those who use them—and let us not content ourselves by saying that the difficulty is one which can be met without any trouble, and that any Government ought to be able to settle at once. I am glad that the noble Earl has admitted that it is a difficulty which is not to be spoken of in that way. Let us exactly understand what it is we have to meet, and what is to be remedied. The noble Earl who commenced the discussion to-night said there was no doubt that Trinity College, Dublin, and the Queen's Colleges were open to all, but that the education given there did not meet with the approval of the dignitaries of the Roman Catholic Church. I am sorry they take that view; but it is perfectly open to them to do so—it is one which, so far as they are concerned, is perfectly justifiable, and I have no wish to shrink from conceding it. But, he continues, so much do they feel this that for a long period of years they provided large sums of money to support Colleges of their own, where the education should be that which they did approve of. If that argument means anything, it means this—that inasmuch as the education provided at the Queen's Colleges does not meet with the approval of the dignitaries of the Roman Catholic Church, some means should be adopted by which money should be granted for the purpose of paying the expenses of a College, the education of which they shall approve. [“Hear, hear!”] If that is not the necessary consequence of the observations of the noble Earl, I can only

say I do not know why they were made. Let us consider that proposal for a moment—I do not say whether it is right or wrong; but, I say, let us look at it as practical men. It is perfectly idle for us, in dealing with it in the abstract, to say whether we should like to see such a proposal carried out or not. The question is—is it a proposal which, as a whole, Parliament would be likely to accept? I venture to say, beyond all doubt, that it is improbable that a proposal of that kind in the present day would meet with the consent of Parliament. Let it not be supposed that I am now speaking of the surplus of the Irish Church Fund as distinct from any other money. I am speaking not only of the surplus of the Irish Church Fund, but also of the Consolidated Fund. For the purposes of my argument, they are alike. Now, I find ready at my hand a most accurate definition as to temper and doctrine of Parliament on that subject. About 10 years ago—in 1868—a proposal was made by the Government in Office, by which a sum of money was to be provided by Parliament for the purpose of assisting a College the education of which would have met with the approval of the dignitaries of the Roman Catholic Church—a very remarkable proposal, and was made by Lord Mayo in the House of Commons. The debate upon it was adjourned several times, and, eventually, broke down, giving a starting-point to Mr. Gladstone for the attacks which he afterwards made on the Irish Church. And what did Mr. Gladstone say on the subject of providing public money for the purposes of supporting denominational Colleges? He said that not only at no period had Parliament voluntarily undertaken to support denominational University Colleges as was proposed, but that on every occasion during the last 20 or 30 years it had been actively engaged in the endeavour to get rid of all Votes which were directly connected with any sectional or denominational interest in the matter of education; and he referred to the Vote for certain Chairs at Oxford and Cambridge, which he pointed out had never been spontaneously voted by Parliament, and which, having been removed after being the subject of constant contention, he found that there had been no Vote for 15 years for the purpose of any corresponding institu-

tion. There was a great deal more on the same subject; but that was the general doctrine which was then laid down. You may disapprove it or not; but it expresses, I believe, the distinct and undoubted determination of the majority of the House of Commons; and, in my opinion, any measure, however great or high-sounding, which infringed that principle would only add another to the many shipwrecks which have occurred in connection with this question of Irish University Education. I would now ask your Lordships to consider the proposal which has been made to-night, so far as it indicates the application of money for the purposes of Colleges in which the education given is what I may call denominational. It is a proposal of a much wider character than one might at first sight suppose, because it relates not merely to Roman Catholic education, for there are other denominations in this country.

THE EARL OF KIMBERLEY said, that what he said was he did not believe any Government would propose to endow denominational Colleges.

THE LORD CHANCELLOR: I am quite aware of that; but I want to point out, as regards the grievance which is said to exist in Ireland, what is meant by the proposal to provide a remedy for it by the application of public money. I heard the noble Earl say that he did not see why a scheme should not be devised which would not be for the benefit of any particular College or denomination; but in accordance with which prizes and Exhibitions and Scholarships, perhaps Fellowships, should be given to all comers from Colleges of all denominations.

THE EARL OF KIMBERLEY said, his observations pointed to something such as had been done last year.

THE LORD CHANCELLOR: The speech of the noble Earl, if it means anything, means that the grievance which exists is one that must be met by granting money for denominational purposes; for, so far as the appreciation of money goes, it cannot be confined to this one denomination. Then, the noble Earl said—"I do not see why a scheme could not be devised that would not be for the benefit of any particular College or denomination, but which would go to all comers, no matter what their denomination, and which would include re-

wards, prizes, exhibitions, and, perhaps, fellowships—something similar in principle to that which was proposed last year."

THE EARL OF KIMBERLEY: What I say is, that you should give encouragement to students to pass their examinations satisfactorily—that you should help them to do this.

THE LORD CHANCELLOR: That is just where the objection lies. The money would find its way to Colleges of a denominational character. If not a direct, that would be an indirect, method of endowment. I am obliged to speak upon another question in connection with this subject. A noble Friend (the Earl of Leitrim) said, in the course of the debate, that he would like to see power conferred upon the new University to grant prizes. Whatever we may think of the expediency of an arrangement of that kind, it does not in any way come under the head of denominational endowment. The London University has a grant made to it annually by the State for that purpose in the Votes of Parliament. For this year you will find that there are several thousands—I cannot remember the precise amount—to be paid to the London University, in order that they may be able to confer Exhibitions, Scholarships, and rewards of that kind upon those who pass examinations satisfactorily. I want to guard myself to show that it is to a state of things of that kind that my observations point. But that is not denominational education. That is a system of open rewards given to all comers capable of winning them, and it is one of the best ways of promoting education. If the University created by the Bill were to come to Parliament next year or the year after, and say that, for the purpose of advancing learning in Ireland, it would be highly desirable that we should arm it with the power to confer Exhibitions and rewards of the same kind—if the University came to Parliament with a demand of that kind, no objection would be taken by Parliament on the ground that it was a grant for denominational education. But that is quite a different thing from the other. It is said—"How can you refuse to provide for the payment of money which will reach denominational Colleges, when last year you passed the Intermediate Education Act?" The two questions are perfectly distinct. In

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the case of intermediate education, there was no objection whatever on the ground that the grant would reach particular schools. It was a provision made for all the intermediate schools of Ireland. One of these schools wanted it as much as the others, because the mere payment of schools that had endowments was not worth speaking of. The object was to reach intermediate schools of every kind and description, and to make payment in respect of those which came up to a certain standard of proficiency. It was quite impossible you could make payments to the pupils themselves. But it would be very different in the case of University students, who, while boys at an intermediate school, will be competent to receive and apply the money to their own benefit. You cannot make a restriction of the kind in the case of University students; and, further, the payments in regard to the intermediate schools were payments made on the conditions that there should be a Conscience Clause similar to that applying in the case of primary schools. Therefore, the State makes the payment in Ireland upon the condition obtaining in primary schools. But it is quite impossible to apply the Conscience Clause in that way in University Education. It cannot be applied in the case of University Education, for these reasons. In the case of primary education the State inspects the schools, provides the books, &c.; but in the matter of the University Education now desired, the very first demand is that it must not be under this inspection of the State, but under the control and inspection of the heads of the Church in which it is sought to make it denominationally in harmony. It is quite impossible that the Conscience Clause could in any way be applied in the case. It is because of the application of the Conscience Clause that, after full consideration by those opposed to all denominational endowments, the Intermediate Education Act received the sanction of Parliament. I undertake to prove that, so far as regards payment to the Collegiate institutions, this act would afford no precedent whatever. Now, my Lords, I own, in spite of what has been said as to what is not in the Bill, that I have a strong hope that the Bill will go forward, and I believe it will meet a very tangible want, or grievance, if you choose to call

it by that name. I believe that what is wanted and demanded now, whatever we may think of it in the abstract, is a demand to which Parliament is not prepared to assent.

THE MARQUESS OF RIPON: I rise only for the purpose of clearing up some misconceptions into which the noble and learned Earl seems to have fallen. He said the Intermediate Education Act could not be taken as a precedent for the case of University Education; and he gave as one of his reasons why it did not apply, that direct payments could be made to young men at Universities, but not to boys attending any of the schools under the Act of last year; inasmuch as the boys were not at an age at which they would know how to dispose of the money, therefore it was necessary to give result fees in the Intermediate Schools. But, last year, the Government made provision for both these purposes. They provided for Scholarship Exhibitions, and also for payments for results. The second point which, in the noble and learned Earl's view, constitutes an important distinction between the case of higher education and intermediate education was that in the one case you could inspect, and in the other you could not. Unless I have entirely misapprehended the Bill of last year, there is no provision for the inspection of intermediate schools at all—so that this argument, too, falls to the ground. Again, says the noble and learned Earl, you not only inspect intermediate schools, but you put them under a Conscience Clause, and you cannot have that in the case of a University. If you require a Conscience Clause, I am not here to object to it. The noble and learned Earl will find, on again looking back to the history of this question, that the Irish Bishops, in their communications with Lord Mayo, stated that they were ready to open their institutions to Protestants, if they chose to attend, and thus that objection, too, disappears also.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Friday next.

House adjourned at a quarter past Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 8th July, 1879.

MINUTES.]—PRIVATE BILL (*by Order*)—*Third Reading*—Liverpool Lighting *, and *passed*.

PUBLIC BILLS—*Resolution* [July 7] *reported*—Lord Clerk Register (Scotland) [Salary and Pension] *.

Ordered—First Reading—Turnpike Acts Continuance * [239]; Commons Act (1876) Amendment (No. 2) * [240]; Saint Giles Cathedral (Edinburgh) * [238]; Channel Islands (Applicability of Acts) * [237]; Occupation Roads * [241]; Industrial Schools (Powers of School Boards) * [242].

First Reading—Supreme Court of Judicature (Officers) * [235].

Committee—Army Discipline and Regulation [88]—*x.r.*

Committee—Report—Customs Buildings * [228]; Artizans' Dwellings Act (1868) Extension (*re-comm.*) * [216-236].

Considered as amended—Conveyancing and Land Transfer (Scotland) Act (1874) Amendment * [198].

Third Reading—Public Loans Remission * [218]; Highway Accounts (Returns) * [227]; Cork Borough Quarter Sessions * [226], and *passed*.

The House met at Two of the clock.

QUESTIONS.

CRIMINAL LAW — THE QUEEN v.
CASTRO—THE CONVICT ORTON.

QUESTION.

DR. KENEALY asked the Secretary of State for the Home Department, If he would state to the House why he objects to see Captain Barry of New Zealand, who is a person of position there, having been three times Mayor, and who, having well known Arthur Orton and De Castro, is prepared to prove that they are two distinct individuals?

MR. ASSHETON CROSS, in reply, said, he had only followed the usual course which was taken in all cases of this kind. The gentleman in question had made a statement in writing which had been forwarded to the Home Office. That statement was referred to the Solicitor to the Treasury and to the Law Officers of the Crown who had charge of the case.

PUBLIC LOANS REMISSION BILL—INTEREST UNPAID.—QUESTION.

MR. DODSON asked Mr. Chancellor of the Exchequer, If he will lay upon

the Table of the House a statement or computation of the amount of simple interest unpaid in respect of the several loans proposed to be remitted by the Public Loans Remission Bill, and of the total amount thereof?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he should be glad to accede to the request of the right hon. Gentleman. He might, however, state that every year the amount of the interest increased, and, according to a rough calculation, it was at the present time somewhat more than £250,000.

ARMY DISCIPLINE AND REGULATION
BILL—FLOGGING—QUESTIONS.

MR. MACDONALD asked Mr. Chancellor of the Exchequer, If it be the intention of the Government to make the same modification of the law or practice as regards flogging in the Navy to that which was yesterday announced in respect to the Army; and, if not, what are the reasons for the continuation of such a punishment in the Navy?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is intended to put the law as regards the punishment of flogging in the Army and in the Navy on the same footing, and I believe a Bill for that purpose has already been drafted.

SIR WILFRID LAWSON said, he had received a circular that morning announcing that there would be an anti-flogging meeting in Hyde Park on Sunday. In the postscript to the circular were the words—"I have a Government cat-o'-nine tails to exhibit on the occasion." As the Chancellor of the Exchequer had said that it was objectionable that the public should see the cat, he (Sir Wilfrid Lawson) wished to ask the Home Secretary whether he proposed to prevent the exhibition on Sunday?

MR. ASSHETON CROSS: I have not had any intimation of the meeting in question.

SIR WILFRID LAWSON: Will the Home Secretary take any steps to stop the exhibition of the cat, if it be so objectionable?

MR. ASSHETON CROSS: I think the matter may be left in my hands.

SIR HENRY JAMES asked the Secretary of State for War, Whether he will lay a Schedule upon the Table show-

ing clearly what offences the punishment of flogging was to apply to; and, if not, will he lay upon the Table a Paper which would show at a glance what were the offences punishable by death? This would save all ambiguity, and Members would then be spared the necessity of searching through the Bill in order to obtain the facts.

COLONEL STANLEY, in reply, said, whatever they did, he hoped there would be no doubt about the matter. He had hoped he made himself clear yesterday, and he pointed out that it would be difficult to move a new clause, because the words would come better on the Report on Clause 44, although the discussion might be taken upon the Schedule. In addition to the Schedule issued this morning, and in order to make the matter as clear as possible, it was his intention to prepare a separate Paper, showing all the offences for which the punishment of death could be inflicted, and he thought this would meet the views of the hon. and learned Gentleman.

EXHIBITION OF ZULUS.

QUESTIONS.

MR. E. JENKINS asked the Secretary of State for the Home Department, Whether it is true that the right hon. Gentleman and the Commissioner of Police had interfered to prevent an exhibition of six friendly Zulus at the Royal Aquarium? If so, under what circumstances, on what ground, and by what authority had such interference taken place? He also asked whether the right hon. Gentleman was aware that they were now being exhibited in St. James's Hall, and why no interference had taken place in regard to that exhibition also?

MR. ASSHETON CROSS: Sir, I was informed, a few days ago, that an exhibition of friendly Zulus was contemplated at the Aquarium. I am bound to say that I thought that was an exhibition which, under the circumstances, would not meet either with the approval of the country or be consonant with the general feelings of the community. It is not necessary for me to state what powers I possess, or what powers I exercise. What I did was this. I sent for the directors of the Aquarium, who came to see me, and I received from them precisely that which I expected to receive. The moment it was pointed out to them that it

might be looked upon as an improper proceeding, they immediately withdrew the exhibition, and there was not the slightest necessity for using coercion of any kind. With regard to the last part of the Question—namely, that these persons are being exhibited at St. James's Hall, I had information of that fact about five minutes before I came down to the House; and I shall certainly see the directors of St. James's Hall, and expect from them the same attention that I have received from the directors of the Aquarium.

MR. CALLAN: Has the right hon. Gentleman received an invitation to a private interview with these Zulus, which, I believe, other Members of the House have received, in common with myself?

MR. ASSHETON CROSS: I have received none.

MR. E. JENKINS asked, under what authority the Commissioner of Police interfered with the directors of the Aquarium?

MR. ASSHETON CROSS: The Commissioner simply made inquiries for me, and reported what had transpired.

MR. E. JENKINS gave Notice that he would call attention to the matter at the Evening Sitting.

ORDERS OF THE DAY.



PRIVATE BILLS (GROUP A)—TOWER HIGH LEVEL BRIDGE (METROPOLIS) BILL—BREACH OF PRIVILEGE.

CONSIDERATION OF SPECIAL REPORT.

LORD HENRY LENNOX: Sir, yesterday afternoon it was my duty, as Chairman of the Select Committee now sitting, and which has been sitting for the last five or six weeks, to inquire into the desirability of passing the Tower High Level Bridge (Metropolis) Bill, to report to this House the result which had been arrived at by my Colleagues, unanimously with myself, as to what was our duty in this matter. This happened before we concluded the inquiry on which we were engaged, and when it only wanted about three or four hours to enable us to conclude it; and we thought it our duty to ourselves, and still more to the House of Commons, to report the circumstances which had been brought under our notice during the

sitting of the Committee. Those facts I will now briefly state. Hon. Members will probably have already read them, because they form part of the Votes that were distributed this morning; but, perhaps, it may be thought convenient for me to run over them very shortly. I only intend to make a very brief statement, because I do not mean—and, in fact, it would not be right either to myself or my Colleagues to make any comment on this statement. All I intend to do is merely to give the facts to the House, and then to place myself in the hands of the House of Commons. It seems that on Tuesday last Mr. Sandilands Ward, a solicitor, gave a letter of introduction to a client of his named Mr. Charles E. Grissell, in order that he might go and see the Messrs. Hooker, who are supposed to be the solicitors to the wharfingers, who are opposing the Bill before the Committee. Mr. Grissell went with the letter to Mr. Hooker, and he appears to have had some considerable doubt as to the authenticity of the document. He gave Mr. Grissell a further letter of introduction to Messrs. Cockell, an eminent firm of solicitors, having the conduct of the opposition to the Bill. In order to make my statement perfectly clear and intelligible to all the Members of this House, I ought to state that the Bridge to which the Bill before the Committee relates is one that it is proposed by the Metropolitan Board of Works to carry across the River Thames; and there are certain persons having property on the banks of the Thames, and who are wharfingers there, who consider that if the Bridge should be built at the height proposed by the plans, it will interfere with the traffic of the River by stopping the shipping from coming up, and will eventually have the effect of ruining their business. Messrs. Cockell and Co. are the solicitors to a great majority of these persons who appear as petitioners against the Bill. Well, on Wednesday last, Mr. Grissell, with his letter of introduction from Mr. Hooker, called on Messrs. Cockell, of the firm of Arkcoll, Jones, and Cockell, and he told those gentlemen that he had most ample powers to treat with regard to the Bill; because, he said, he could control the decision of the Committee, and, in proof of this, he could arrange for questions to be put to the Committee which would

lead to the destruction of the Bill. Mr. Cockell told Mr. Grissell that he was too late; that there were no more questions to be put, as the evidence was completed, and a decision was about to be taken on the merits of the Bill. When pressed very hard as to how he could make such a bargain, Mr. Cockell said—

“Well, all you have to do is this: promise me, before the very eminent counsel who is conducting the Bill for the promoters makes his summing up, that you will arrange with the Committee that they shall unanimously state that compensation must be given to the wharfingers, which would prove a death-blow to the Bill, as the Board of Works have declared that they will not proceed with the measure if compensation is to be given to the wharfingers and others, as it would thus be rendered too expensive to go on with.”

This promise was made by Mr. Grissell, and Mr. Grissell expressed his willingness to put the proposition in writing. Mr. Grissell came down to the Committee Room of the House of Commons next morning, and there had an interview with Mr. Cockell; on which occasion, as the House will see from this Report mainly, at the dictation of Mr. Cockell, he wrote out a paper, in which he agreed to control the decision of the Committee in this sense for the sum of £2,000. Mr. Cockell accepted the document, and told Mr. Grissell that he would send an answer; and from what I have heard of the firm of which Mr. Cockell is a member, I should say that Mr. Cockell could only be looked upon as meaning that an answer would be sent back to Mr. Grissell, telling him that he never ought to have made such an offer. Now, Sir, what I have to ask the House to do is to consider the special Report which I promised to lay before it. We do not say one word as to the merits of the case, nor as to the conduct of any of the parties concerned in it. All we have to do is to be jealous of the honour of this House. Before I sit down, I wish to be allowed to say a few words, which I am sure will be endorsed by all the counsel and the numerous persons we have had before us during the last six weeks while we have been engaged on this inquiry, which has been one of the most protracted and laborious that has been brought before the House of Commons for many years—I desire to say, on behalf both of the promoters of the Bill and the petitioners

Lord Henry Lennox

against it, that they are most anxious to be allowed to have our decision on the merits of the question. The Bill is one the delay of which involves a large sum of money both to the petitioners and the promoters; and while I ask this House to lose no opportunity to sift to the very bottom every particular connected with this case, I also ask it to recollect the interests both of the promoters and the petitioners, whose money is being squandered in the most alarming manner, as long as the decision is postponed. I may add that our decision was within three or four hours of being pronounced when this interruption took place; and, therefore, while the House will be pleased to deal with the matter as may seem best, I do hope it will deal with it with as little loss of time as possible. With these few remarks, I now move that the House do take into consideration the Special Report of the Tower High Level Bridge (Metropolis) Bill Committee.

Motion made, and Question proposed,

"That the Special Report of the Committee on the Tower High Level Bridge (Metropolis) Bill be now considered."—(*Lord Henry Lennox.*)

THE CHANCELLOR OF THE EXCHEQUER: I think there can be but one feeling in the mind of the House, and that is that the Select Committee, of which my noble Friend (Lord Henry Lennox) is Chairman, have taken the right and proper course in making a special Report of the circumstances which are familiar to us from the Report that has been presented with the Papers this morning, and of which my noble Friend has just now given us a short summary. The question is one which evidently touches the honour of this House; and it is, therefore, important that we should satisfy ourselves with respect to it. But I gather from the statement we have had put before us in print, as well as from the statement of my noble Friend, that a Mr. Charles E. Grissell has in some way or other made a communication, or offered to make a communication, which was intended to persuade a certain body of persons who had private interests in passing a particular Bill that if they would give him a certain sum of money he could and would influence the decision of a Select Committee so as to

terminate the matter in their favour. As far as Mr. Grissell's conduct in this matter is concerned, there can be no doubt that it is conduct of a kind which this House would be bound to take serious notice of. But, beyond this, it appears from the statement in the Report that various communications took place between Mr. Grissell and other persons, solicitors in the case; and, therefore, I think it would be more satisfactory to the House that we should have some fuller communication of the nature of these transactions. This is a matter which, I think, ought not to be left in any degree of doubt, and the course which I would venture to propose to the House would be this. Instead of making any Order at the present moment for Mr. Grissell to appear before us and offer any explanations he may have to make in the matter, a small Committee should be appointed to inquire into all the circumstances attending these communications, and this special Report should be referred to them. I apprehend that the inquiry of such a Committee would not take very long; and what I propose to do now is to give Notice that to-morrow I will move for the appointment of a small Committee, for the purpose of making inquiry into the whole case. I think that probably a Committee consisting of five Members would be found sufficient; and I, therefore, propose to place upon the Notice Paper a Motion for the appointment of such a Committee, and, to-morrow, I will mention the Gentlemen of whom I shall propose it shall consist. I think that this will probably be deemed the most convenient course for the House to take, especially as it is one that will enable us to ascertain what are the real facts of the case. With regard to the concluding words of my noble Friend, I understood him to mean that he hoped the Committee of which he is the Chairman would be allowed to proceed with its consideration of the Bill before it. He has told us that they had very nearly concluded their inquiry, but that they were interrupted by the necessity of presenting this special Report. He desires that they may be enabled as speedily as possible to bring to a termination an investigation which is highly costly to the parties concerned. I do not know whether it is the wish of the House to make any different Order upon this sub-

ject; but it certainly appears to me that it would be a very proper thing to allow the inquiry of the Select Committee to be carried out to its legitimate termination.

LORD HENRY LENNOX: Will the right hon. Gentleman allow me to correct him on one point? I had no idea whatever of suggesting that the Select Committee should be allowed to complete its inquiry before the matter now before the House is decided upon; all I did venture to suggest was, that the present inquiry should be proceeded with as quickly as possible.

MR. DODSON: I do not understand what objection there can be to the Select Committee proceeding with their inquiry into the merits of the Bill that they had before them. It does not appear to me that the inquiry into that measure can be at all affected by the inquiry it is now proposed to enter upon; therefore, I apprehend that, if necessary, an Order of the House should be made to enable the Committee to proceed. I think, however, that they have full power without any such Order, and I shall be somewhat astonished if I am mistaken. With regard to the suggestion that has been made by the Chancellor of the Exchequer for the appointment of a small Committee to inquire into the subject, it appears to me that that would be a very convenient course.

SIR CHARLES W. DILKE: I should have thought that the most convenient course for the House to take in this matter would be to follow the precedents of the House, and to have the person who is accused in the Report brought to the Bar of the House. With regard to the other point, the noble Lord has said that it would be inconvenient if the Select Committee were not allowed to continue their labours, and the Chancellor of the Exchequer seems to be of opinion that they ought to sit on; but it should be remembered that here we have a charge which affects the honour of the House, and I apprehend that it would be more convenient that that should be disposed of in the first instance. If Mr. Grissell were called to the Bar of the House, he would probably be able to make some absolute and complete explanation or apology, with which the House might be satisfied, and which might have the effect of stopping any further procedure. This,

The Chancellor of the Exchequer

I think, would be the most convenient course to pursue.

SIR WILLIAM FRASER: I should like to know what power the Committee proposed by the Chancellor of the Exchequer would have of summoning Mr. Grissell before it?

MR. STEVENSON: I should like clearly to understand what course it is proposed to take to-morrow, in case the Chancellor of the Exchequer should bring his Motion for a Committee before the House? The House is aware that the Bill which stands first on the Paper for consideration to-morrow is one of which I have the honour to have charge. It is a most important measure dealing with the question of the sale of intoxicating liquors on Sunday, and one in which many people are greatly interested. I am, therefore, very anxious to know whether the possibility of bringing on that Bill is likely to be interfered with?

MR. CALLAN: I find here, at the end of the Report—

“The authenticity of these Papers having been verified, the Committee feel bound to report the same to the judgment of the House, as a matter seriously affecting its Privileges; and they have adjourned the further inquiry on the Bill until they shall receive further instructions from the House.”

Therefore, there is no doubt that Mr. C. E. Grissell committed a gross breach of the Privileges of this House; and I apprehend, from precedents that I am aware of, that the usual course would be to propose a Resolution that a gross breach of the Privileges of the House has been committed, and to order Mr. Grissell to appear at the Bar of the House to-morrow.

MR. MOWBRAY: I think that the course proposed by the Chancellor of the Exchequer would be by far the most convenient for the House to adopt, and one that is likely to lead to a better issue than if Mr. Grissell is brought at once to the Bar of the House. If a Committee is appointed, it will be able at once to ascertain who are the various people from whom we can obtain information. The Committee will be able to call them before them in the course of a single day, and will be able to report to the House probably on Friday. I think that course would conduce more to the dignity of the House than the one suggested by the hon. Member for Dundalk.

MR. DUNDAS: A question has been raised whether the Committee should proceed at once with their inquiry, or allow an interval to elapse until the matter about to be referred to a Committee is decided upon. It certainly was the intention of the Committee, when it made this Report, that they should not meet again without further instructions from the House. But I understand, from what has fallen from the Chancellor of the Exchequer and the right hon. Member for Chester (Mr. Dodson), that it is competent for the Committee to meet again without instructions from the House. I presume, under these circumstances, that it will be left entirely to the Committee to decide whether it is proper for them to continue the Bill or not. Am I right in presuming that it is entirely left to their discretion?

MR. DODSON: Yes.

MR. SPEAKER: Did I understand that the hon. Member for Dundalk has moved an Amendment?

MR. CALLAN: I did not understand that the Chancellor of the Exchequer had more than thrown out a suggestion. I did not intend, therefore, to make my proposition as an Amendment. However, I beg to move the Motion which I have submitted as a substantive Resolution, and not as an Amendment.

MR. SPEAKER: The Question before the House is that the special Report of the Committee upon the Tower High Level Bridge (Metropolis) Bill be now considered. The hon. Member for Dundalk has interposed with a Motion that Mr. Grissell be summoned to attend at the Bar of the House to-morrow. That Motion he had a perfect right to submit. Does any hon. Member second the Motion?

MR. PARNELL: In rising to second the Amendment of the hon. Member for Dundalk, I wish to ask you, Sir, whether we ought not, as a point of Order, to discuss the Motion that the Bill be now considered? If that Motion has been put, and if we are acting in pursuance of that Motion by considering the Report, I imagine that the Motion of my hon. Friend the Member for Dundalk would then be a substantive Motion, and not an Amendment to the original Motion. Under the idea that it is a Motion, I beg to second it; and I would ask the Chancellor of the Exche-

quer what he proposes to gain by appointing a Committee to consider the question? We have already before us the Report of the Committee, who have considered the question, and have reported to us upon it. They were just as able to inquire into the matter as the Committee which the Chancellor of the Exchequer proposes to nominate; and I am unable to see what we shall gain by postponing the matter, except, perhaps, a little time—although, in reality, instead of gaining time, we should lose it; because, instead of being disposed of now, we shall have to devote another hour or so, and perhaps longer, to the consideration of it when it comes again before the House. I wish now to direct the attention of the House to this fact—that we have before us, in evidence sent to us by the Committee, a copy of the letter from C. E. Grissell, of 36, Curzon Street, Mayfair, written on the 2nd of July—

“Asserting that I can control the decision of the Committee now sitting upon the Tower High Level Bridge Bill, I am willing to use that influence in favour of the opposing wharfmongers upon certain terms; and I will undertake that the Bill shall be thrown out, or otherwise dealt with by the Committee in such a way as would make the Board of Works withdraw it, by reason of compensation or other clauses being required by the Committee, provided a sufficient guarantee is given to me for the payment of £2,000 immediately on such an event happening.”

Now, this Committee have inquired into the matter, having taken all the evidence it was possible for any Committee to take. They have decided that it is a matter that seriously affects the Privileges of the House, and have reported to that effect to the House. I submit, Mr. Speaker, that the House would lightly regard a matter seriously affecting its Privileges, if it remitted the question back again to another Committee. No Committee could come to any other conclusion from the facts of the case than that which the Select Committee has already arrived at. If the facts are true, it is a matter affecting the Privileges of the House, and any other Committee would so report to the House. The only result would be that we should, after an interval of two or three days, have to do the same thing we ought to do now—namely, direct that the individual whose conduct is complained of should be brought to the

Bar of the House, in order to offer such explanations as he may be able to offer in regard to the serious charges brought against him. In all probability he may be able to offer explanations that will be satisfactory to the House, and there may be no further occasion to proceed. He thought this certainly the proper course to take.

MR. SPEAKER: On the consideration of the special Report of the Select Committee, a Motion has been made and seconded—that Mr. Charles Grissell do attend the House to-morrow, at 12 o'clock. Before I put the Question, perhaps I may be permitted to say a word in reference to the competency of the Select Committee on the Bill to sit, notwithstanding the incident that has now taken place. I apprehend that that is a matter within the direction of the House itself, and upon which a special direction may be given. If the Select Committee are of opinion that justice to the parties can be done, no doubt it will be open to them to proceed with their inquiry, notwithstanding the appointment of the Committee proposed by the Chancellor of the Exchequer.

MR. CALLAN: My Resolution is, that a gross breach of the Privileges of the House has been committed by Mr. C. E. Grissell, and that the said Charles E. Grissell be ordered to attend at the Bar of the House at 12 o'clock to-morrow. I believe it is not in our power to order anyone to attend at the Bar, except in consequence of a charge made against him.

MR. SPEAKER: Will the hon. Member bring up the Resolution?

MR. CALLAN did so.

MR. SPEAKER: The hon. Member desires me to put the Motion from the Chair; and the Motion having been seconded, I am bound to put it. But I think it right to state to the House that it has generally been the practice of the House, before a person has been censured and condemned for breach of Privilege, to allow him to be heard at the Bar. This Motion certainly condemns Mr. Grissell.

MR. CALLAN: With the permission of the House, I will amend the Motion by leaving out the first portion, and will merely move that Mr. Grissell be ordered to appear at the Bar of the House, at 12 o'clock to-morrow.

Mr. Parnell

Motion made, and Question proposed.
“That Mr. Charles Grissell do attend this House To-morrow, at Twelve of the clock.”—(*Mr. Callan.*)

MR. KNATCHBULL-HUGESSEN: The vindication of the Privileges of the House should always be short, sharp, and decisive. Any delay would be objectionable, and it would also be objectionable to take any other course than one which, if possible, commands the unanimous approval of the House. The only reason why I rise is to say that there was once a Committee, of which I was a Member, in which something of the same kind occurred. It was now a good many years ago, and the present Member for Hereford (*Mr. Clive*) was the Chairman. Something appeared in a newspaper article reflecting upon the character of the Chairman of the Committee. The Committee considered the matter and reported it, and the House directed at once that the publisher of the newspaper in which the article appeared should be called to the Bar of the House. If I recollect rightly, the man was committed to the custody of the Serjeant-at-Arms, and afterwards made a humble apology for what had happened. The case, after all, appeared to amount to nothing, and the matter was settled without any Committee being appointed or any necessity arising for any further proceeding on the part of the House. I mention the case because it might happen that if the gentleman were called to the Bar of the House that the same course would be followed. Mr. Grissell might make an explanation, and it would be for the House to judge whether the explanation was satisfactory. If so, the House might be disposed to take the course of discharging him. It is impossible to condemn Mr. Grissell for a breach of Privilege of the House without giving him an opportunity for explanation. But I think when such questions arise it is to the Leader of the House we should look for guidance; and it would be far better, even if it was against our own view, that, in a case involving the procedure of the House, we should follow, if we possibly can, the recognized Leader of the House. We are an Assembly which, after all, is guided very much by precedent, and whatever the precedent is in such cases as this it may be desirable to

follow it, and not form another, which, on some other occasion, may prove inconvenient.

THE CHANCELLOR OF THE EXCHEQUER: Undoubtedly, what the right hon. Gentleman has said is perfectly correct in such cases as the one to which he has referred, in which there was only a single Member implicated. No doubt, in that case, the person who had written an offensive article was called to the Bar and gave his explanation of the proceeding. I do not know whether the right hon. Gentleman has read the special Report; but, in this case, there are several transactions which appear, on the face of them, to call for a little further explanation, because it is stated that there were other proceedings that took place one or two days before the memorandum was drawn up. It appears that on Tuesday some communication was made by Mr. Ward to Mr. Hooker as to this gentleman (Mr. Grissell) wishing to be placed in communication with the opposing wharfingers on the ground that he could control the decision of the Committee, and was willing to do so on terms. Then some further communications took place. Mr. Hooker referred him to other persons; and, on the following day, Mr. Grissell called upon Mr. Cockell at his invitation. There was a further discussion as to what was to be done, and questions were put to Mr. Grissell in order to draw out from him what he could do. Eventually, Mr. Grissell wrote a paper to which reference has been made, and in a great measure it was written at Mr. Cockell's dictation. Mr. Grissell took it away with him, as he wished to see others upon it, and arranged to see Mr. Cockell in the corridor of the House later in the day. He did so about half-past 12, and then stated that all was satisfactory, and at Mr. Cockell's request signed the paper. Under all these circumstances, it seems to me that it might be for the convenience of the House that they should have more information with regard to these proceedings than simply calling upon Mr. Grissell to attend at the Bar, to say that he regretted having written the memorandum, and then dismissing the case. It is possible, when we know the whole circumstances of the case, that that will be the conclusion at which the House will arrive; but I think it

will be hardly consistent with the dignity of the House that we should even appear to slur over a question of the kind, in which it undoubtedly does seem that Mr. Grissell has been led on by conversation with others to explain what the proposition was he wished to make. I cannot help thinking that we shall save time if a small Committee is appointed to inquire into the whole of the circumstances, to examine all persons who have had any share in the transaction, and then report to the House. I understand that there is a Motion before the House upon which an Amendment can be moved. Do I understand that?

MR. SPEAKER: Yes.

THE CHANCELLOR OF THE EXCHEQUER: Then, as there is a substantive Motion before the House upon which an Amendment can be moved, I will move, as an Amendment, to leave out all the words after the word "that," for the purpose of adding these words—

"That the Special Report from the Committee on Group A of Private Bills in the case of the Tower High Level Bridge (Metropolis) Bill be referred to a Select Committee."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Special Report from the Committee on Group A of Private Bills be referred to a Select Committee,"—(*Mr. Chancellor of the Exchequer*),—instead thereof.

MR. WADDY: I wish to point out that the Amendment is almost a necessity in the case, and for this reason. At present we do not know whether one person or two should come before the Bar of the House. There is a serious discrepancy between the statement made by the noble Lord and that contained in the Report. We do not know which is correct, and it is a much more serious matter as it appears in the Report than the noble Lord has said. According to his statement, what took place is this—that this gentleman, Mr. Grissell, obtained a letter of introduction merely from Mr. Ward to Mr. Cockell; but according to the Report Mr. Ward went in person, and being at the time a solicitor of the Supreme Court of Justice, made an arrangement with Mr. Grissell, and was made aware of the real nature of the transaction. In point of fact, he was a party to it. The Report says—

"On Tuesday, Mr. J. Sandilands Ward, of 51, Lincolns' Inn Fields, solicitor (admitted 1870), called on Mr. Hooker (Wyatt, Hoskins and Hooker), and stated a client of his wished to be placed in communication with the opposing wharfingers as to the Tower Bridge Bill, as he could control the decision of the Committee, and was willing to do so on terms."

It becomes, therefore, a very serious question indeed whether Mr. Grissell is the only person who will have to be brought before the Bar of the House. I think, therefore, the course proposed by the right hon. Gentleman the Chancellor of the Exchequer should be adopted. The Committee will be able to investigate the matter, and to find out all that we want to know, and, at the same time, save us from the necessity of calling upon a person to appear at the Bar who ought not to be so called upon.

MR. FREMANTLE: As a Member of the Committee, I concur very much in the remarks made by the hon. and learned Gentleman opposite. I think my noble Friend fell into a mistake in saying that there was a letter of introduction. According to the evidence which was given before the Committee, Mr. Ward personally waited upon Mr. Hooker at the Committee Room, sending in his card, and stated to him that he had a client who was able and desirous to control our decision upon terms. Of course, a Committee could consider the point raised by the hon. and learned Gentleman whether it was not one person only, but two, who ought to be required to attend here to answer for a breach of Privilege.

LORD HENRY LENNOX: Perhaps I may be able to say one word in answer to the hon. and learned Gentleman opposite. I used the words "letter of introduction," when I should have said "personal introduction," most innocently.

MR. COURTNEY: I rise to offer one observation to the House. It appears to me that the arguments of the Chancellor of the Exchequer for referring this matter to a Committee are almost conclusive upon it. It is too complicated a matter for us to inquire into in the House. But if it is understood that it is to be referred to an ordinary Select Committee, instructions can be given to that Select Committee to take evidence on oath. There is also another point which I wish to suggest

Mr. Waddy

—namely, whether precautions ought not to be taken to secure the attendance of the two persons who are *primæ facie* implicated in the matter—namely, Mr. Ward, and Mr. Grissell, especially if evidence is to be taken on oath. I would suggest that you, Sir, should issue your Warrant to secure the attendance of both, otherwise it is obvious that they may disappear before the inquiry commences, and it would be very unsatisfactory if they were not found when they were wanted.

MR. DODSON: I should like to say a word as to one point raised by the hon. Member. [*Cries of "Spoke!"*] I beg the hon. Gentleman's pardon. Since I spoke last a Motion has been submitted. The only point I wish to speak upon has reference to the ability of the Committee to examine witnesses on oath. By an Act passed, not very long ago, every Committee has that power.

MR. CALLAN: When I came down to the House to-day I was wholly unprepared to enter into this discussion. If my memory serves me rightly, there is no precedent whatever on the Books of the House for the proposition which has been made by the Chancellor of the Exchequer. With a great deal of diffidence I have ventured to suggest that the usual course should be followed. Since then an Amendment has been moved, and I have taken the trouble to look over a book which we all regard as an authority. I find, in page 96 of the last edition of Sir Erskine May's *Parliamentary Practice*, that it is there stated—

"That libels on Members have also been constantly punished; but to constitute a breach of Privilege it must be a libel upon the character of a Member in that capacity."

A Member of a Committee is acting in the capacity of a Member of Parliament. I find in this Report, that—

"On Wednesday morning, Mr. Charles E. Grissell called on Mr. Cockell, and stated his ability to control the decision of the Committee either way on terms, and as a proof of his ability volunteered that in the course of examination of witnesses, he would arrange that such questions should be asked by the Committee in favour of the wharfingers' case as would indisputably prove his assertion. Mr. Cockell explained that the examination of witnesses had concluded and on being pressed to suggest some means whereby this proof could be afforded, explained to Mr. Grissell that the Board of Works had announced their determination of not proceeding with the measure if compensa-

tion was granted to the wharfingers and others injuriously affected, and put it to Mr. Grissell whether he could induce the Committee, immediately prior to Mr. Pope's speech to announce that they were unanimously of decision that the fullest compensation should be paid, and that they would not report the Preamble proved, unless a clause to that effect were inserted in the Bill."

It was then arranged that it should be reduced into writing, so that there could be no question as to the terms of the proposition, and the condition was a bribe—the corrupt and criminal taking of £2,000—a matter which affects seriously the character of Members of this House. Now, I find that in 1832—and it is the first case quoted—in the case of "Gibson and Wright," they were admonished for writing a letter reflecting upon the character of a Committee, copies of which letter had been circulated in private handbills. In 1844, a Member having made charges at a public meeting against two Members of the House, was ordered to attend in his place, and, after he had been heard, it was decided by the House that the charges were of a calumnious and unfounded character, and reflected upon the character and honour of a Member of the House, Sir Erskine May states that in some cases the House has directed prosecutions against persons who have published libels against a Member, in the same way as if the publication had affected the character of the House collectively. On the 2nd of May, 1695—

"The offering of any sum of money or advantage to any Member of Parliament for promoting any matter whatsoever depending or to be transacted in Parliament, is constituted a high crime and misdemeanour, tending to the destruction of the Constitution."

In this view, the offer of a bribe is treated as a breach of Privilege, not only to the Member himself, but to the House. I find that the present practice, as laid down here, is that when a complaint is made, the person complained of is ordered to attend in the House, and, on his appearance at the Bar, he is examined, and dealt with according as the explanations of his conduct are satisfactory or otherwise, or according to the contrition he expresses for the offence he has committed. The invariable practice of the House is to order a person to attend at the Bar of the House. If Mr. Grissell attends to-morrow, and gives explana-

tions that are deemed satisfactory, then there is an end of the whole affair; if his explanations are not deemed satisfactory, then a Select Committee could be appointed. I am not aware that there are any questions affecting this particular case that should induce the House of Commons to overrule every precedent that has hitherto been adopted, and to create a new one. I consider that the creation of a new precedent in regard to any question of this character is a dangerous practice, which cannot be too strongly deprecated; and I, for one, with great respect to the Leader of the House, am convinced that the Resolution I have submitted is the proper one for the House to adopt.

THE MARQUESS OF HARTINGTON: I presume, Mr. Speaker, there is no doubt, as stated by the hon. Member for Dundalk, that the ordinary practice is to summon the person complained of at the Bar of the House; but I believe there is no exact precedent for this case. None have been mentioned to the House this morning as an exact precedent. I think that, under these circumstances, the House ought to consider, rather, what is the most convenient course, than to hold itself absolutely tied down by any precedent. From the statement of the Chancellor of the Exchequer, it appears to me that, although there is no doubt whatever about the facts that have been reported by the Committee as far as they go, there may be other facts which have not been reported, which may be essential for the House to know, before they arrive at a conclusion. If Mr. Grissell were to come to the Bar to-morrow, it is possible, as has been suggested, that he might make such a statement as would be deemed satisfactory, and the matter might end; but if, on the other hand, Mr. Grissell attempted to justify his conduct, or made any statement affecting the character of a Member of the Committee, or took any of a hundred courses which might suggest themselves, it would be necessary that he should be examined, either by a Committee or by the Whole House. I think, therefore, that, on the whole, the course suggested by the Chancellor of the Exchequer would be the most convenient one; and as to the point referred to by my hon. Friend the Member for Liskeard (Mr. Courtney), I presume it would be convenient when the Com-

mittee is nominated, if it is nominated to-morrow, that such instructions should be given to it as will meet all the necessities of the case.

MR. SHAW: It appears to me that precedent is entirely in favour of the Motion proposed by my hon. Friend the Member for Dundalk; at the same time, I can understand why the course he suggests should not be adopted. If we were to summon Mr. Grissell to appear at the Bar, any explanation he could give would not stop the case, or clear away the imputations that have been made. Matters cannot stay where they are, and I cannot see any way to a satisfactory issue except the appointment of a Committee. I do not see why precedent should bind us, and I would suggest to my hon. Friend that he should withdraw the Motion; and I think it would be somewhat novel, and exceedingly awkward, that the Select Committee should go on with the Business they have been inquiring into, seeing that imputations have been thrown out of such a nature that no decision they can arrive at would be satisfactory until those imputations are cleared up. I hope the Committee will not take a single step in regard to the Business of the Committee until the matter is fully cleared up.

MR. PARNELL: There are just two precedents for referring a question of Privilege to a Committee, and only two precedents, as far as I can discover, and they are not precedents which govern the present case. On the 18th of February, 1575, a Committee was appointed to examine the matter touching the case of Hall's servant. That matter was treated as a question of Privilege. Also, on the 3rd of December, 1601, a complaint was made to the House of an information having been exhibited by the Earl of Huntingdon in the Star Chamber against Mr. Belgrave, a Member. The matter was referred to a Committee of Privileges, who reported upon the 17th of December. But we have no precedent at all for the Report of a Select Committee which complains to the House of a breach of Privilege against itself of a most offensive character—there is no precedent whatever for sending such a Report to a Select Committee. On the contrary, all the precedents go in the direction of showing that these matters have always been

considered by the House at once, and decided upon as a matter of Privilege. There may be some advantages in the course proposed by the Chancellor of the Exchequer, although I am afraid that it would be rather a more severe course to take against the person accused than that which the hon. Member for Dundalk wishes to take. I do not see why the right hon. Gentleman should not come to the conclusion that the matter has already been fully discussed, and withdraw the Amendment which he has proposed.

MR. CALLAN: In deference to the opinion expressed by the Leader I recognize in this House, and wishing to pay him that deference which becomes the followers of any Leader, I intend to take his advice, and I intend to withdraw the Motion. But, before doing so, I would ask the Chancellor of the Exchequer to assure the House that this Committee, which he proposes to nominate to-morrow, shall be nominated by the House, and shall not sit *in camera*.

MR. SPEAKER: The Amendment must be withdrawn before the Motion can be withdrawn.

THE CHANCELLOR OF THE EXCHEQUER: I am not prepared to withdraw the Amendment.

SIR PATRICK O'BRIEN: Will the right hon. Gentleman answer the question, whether the Committee is to sit *in camera*?

THE CHANCELLOR OF THE EXCHEQUER: I am unable to say whether the Committee ought to sit with closed doors or not. I should propose, of course, that the Committee be nominated by the House. I would propose that it should be a small Committee. I think the most convenient course would be to allow the Amendment to be put as an Amendment to the Motion. I should then place names upon the Paper to-morrow. But it would be indifferent to me whether the names are taken to-morrow, or whether I give Notice for the appointment of the Committee to-morrow with the names. If the Amendment is accepted, I will to-morrow give the names.

MR. MITCHELL HENRY: There is one course which I might suggest to the right hon. Gentleman. It is important in this matter that we should

not actually, but that we should appear to be, guided by the Leader of the House. The right hon. Gentleman has given Notice that he will, to-morrow, take the very convenient course of referring this matter to a Committee, and that he will then nominate the Members of the Committee. There has been a Motion made since and an Amendment; but it is hardly right that the Leader of the House should carry his Amendment against a Motion which my hon. Friend has declared his readiness to withdraw.

MR. SPEAKER: Does the right hon. Gentleman withdraw the Amendment?

THE CHANCELLOR OF THE EXCHEQUER: No. I think my Amendment had better be put.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

MR. CALLAN: Before you put the Question, Sir, I must express my regret that the Chancellor of the Exchequer has allowed himself to impart a little feeling into this discussion. [*Cries of "No!"*] Yes, Sir, he did; and he declined to accept the general feeling of the House to allow me to withdraw the Motion. He persisted in that course, and he declined, further, to answer the question put to him both by myself, and by my hon. Friend the Member for King's County (Sir Patrick O'Brien). I will not, however, put the House to the trouble of a Division, though I feel very strongly the course I proposed was the right one; and unless the right hon. Gentleman places on the Committee a Member of the Party to which I belong, as a safeguard for the honour and Privileges of the House in the question upon which we are deeply interested—[*Laughter*—the House may laugh, but this is a very serious case—and, further, unless there is a distinct undertaking given that this Committee shall not sit and inquire into a matter so deeply affecting the honour of the House *in camera*, I shall give his proposal a direct negative.

SIR PATRICK O'BRIEN: I think I was entitled, at least, to the courtesy of an answer. There may be reasons,

no doubt, why this case is of such a nature that a different course should be pursued with regard to it from that which is generally taken. But, except the case be an extremely special one, and outside the ordinary Rules of the House, I think that for the sake of the public, and for the sake of the proper administration of Business, in which all classes of the public are interested, I was entitled to an answer whether this is to be a public Committee, or whether the inquiry is to be held *in camera*. Nothing can be further from my mind than to say that whether the Committee be a public or a private one its decisions would not be right, honourable, and just. I am perfectly certain that it would be so, and I should be the last person here to insinuate anything else. But we are to regard not only the Members of the House, but the general public outside, whose interests, pecuniary or otherwise, are committed to Members upstairs. And we ought to consider the large amount of public opinion that exists out-of-doors; and, in the interest of the public conduct of the Business of the House, we should see that this very serious matter should be not only fully, but publicly inquired into. When I read the letter which appears in the Votes this morning, I must confess that the first thing that occurred to me was that the person accused was labouring under some mental derangement; and I trust that, for the honour of the country, although it may be unpleasant to the individual himself, that that may be the correct view. But, whether that is so or not, I think that as regards the Public Business of the House, we are entitled to demand that the inquiry should be public; and I venture, a humble Member as I am, to state that if, before the appointment of the Committee, some statement of that kind is not made by those who, in a great measure, are authorized to arrange the Business of the House, I shall myself propose a Motion to the House that this inquiry should be held in public, and not *in camera*.

Main Question, as amended, put.

Ordered, That the Special Report from the Committee on Group A of Private Bills be referred to a Select Committee.

ARMY DISCIPLINE AND REGULATION
BILL—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 7th July.*]

Bill considered in Committee.

(In the Committee.)

Clause 147 (Apprehension of deserters or absentees without leave).

MR. PARNELL said, that the last time the Committee met they were discussing a question involved in the Amendment; he would not discuss it now at any length; but he would ask the right hon. and gallant Gentleman the Secretary of State for War whether he would not agree to put words in the clause to the effect that no officer or soldier could apprehend a suspected deserter unless he could identify such person as a deserter? He quite recognized the force of what the right hon. and gallant Gentleman said yesterday, that an officer or soldier ought to be empowered to arrest a deserter if he met him in the street. But the clause in question seemed to him to give a great deal more power to the officer, or soldier, or other person, to arrest on mere suspicion than ought to be given. He trusted the right hon. and gallant Gentleman would see his way to meet the objection to the clause. He begged to move, in page 79, line 22, after the word "person," to insert "provided he can identify such person as a deserter."

COLONEL STANLEY had no objection to the principle of the Amendment; but he could not accept the words proposed, for it appeared to him that it would lead to great inconvenience to prevent an arrest by any person except he could actually identify a deserter. Anyone who arrested a deserter, and took him before a Court, was, of course, subject to the consequences if he had not acted upon good grounds. If the alleged deserter were detained, he had an action against the person detaining him. He had no objection to insert any words which would prevent improper arrests; but he could not agree to the insertion of the words proposed.

MR. HERSCHELL thought that the difficulty might be met by inserting words to this effect—"provided that he is personally known to him."

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that if a constable suspected a man to be a deserter, then he was entitled to apprehend him and take him to prison. He might recognize the soldier he apprehended by the description, but could not positively identify him from personal knowledge.

MR. O'SULLIVAN thought that his hon. Friend the Member for Meath (Mr. Parnell) was mistaken in his Amendment. It might cause very great annoyance, if a man were brought before a magistrate without any evidence offered against him. It would be too much power to leave in the hands of a private soldier if the Amendment were adopted. He thought it better to leave the clause as it stood.

MR. PARNELL said, that they could not adopt the suggestion of the hon. Member for County Limerick (Mr. O'Sullivan), because the Committee had already divided on the question. He was willing to agree to the suggestion of the hon. and learned Member for Durham (Mr. Herschell), to withdraw his Amendment, in order to enable his to be proposed.

Amendment, by leave, *withdrawn*.

MR. HERSCHELL moved the insertion of the words, "provided he is personally known to him as a deserter."

COLONEL STANLEY did not think that the Amendment should be adopted. A man might not be personally known, but might be known by being marked in a particular way. The real point was as to the identification, and if hon. Gentlemen would allow him, he would consider the matter in conjunction with those who advised him. He could not agree to the insertion of this Amendment; he did not see how the process of identification of the deserter could be completed before he was brought into court.

Amendment, by leave, *withdrawn*.

MR. PARNELL moved, in line 53, page 80, to leave out from the word "and," to the end of the clause. This sub-section provided as follows:—

"A Secretary of State shall direct payment of the said fee, and may also cause to be paid to the person by or through whose means it appears to his satisfaction that any such deserter or absentee without leave was apprehended a sum not exceeding *forty shillings*."

There was a great deal of objection to the system of these rewards; he was afraid that, in many cases, there was a great deal of fraud connected with the matter. The effect of the system of rewards was shown by the great increase in the amount paid in respect of them.

COLONEL STANLEY said, he had no objection to the Amendment.

Amendment agreed to.

COLONEL ALEXANDER inquired if the reward to the constable was included in the Proviso which had been struck out?

COLONEL STANLEY said, that it was not.

An hon. MEMBER thought the constable should be included, for he ought not to be paid extra for doing his duty.

COLONEL STANLEY said, it would not be necessary to pay the constable for making arrests.

MR. PARNELL asked the right hon. and gallant Gentleman from what Statute he had taken the words? He was not sure whether, in order to abolish the power, they would not have to move a Proviso at the end of the clause.

COLONEL STANLEY said, he had taken the words from the Mutiny Act.

MR. PARNELL said, it would not then be necessary to move a Proviso.

Clause, as amended, agreed to.

Clause 148 (Penalty on trafficking in commissions).

MR. E. JENKINS moved, in page 81, line 8, after the word "shall," to insert "if an officer, shall on conviction by court martial, be dismissed the service." The effect of the Amendment was to make officers committing the offences liable to be dismissed the Service, as well as pay a fine of £100, on conviction or indictment on information.

MAJOR NOLAN said, this clause was rather hard upon officers. If they took the case of a medical man, it seemed to him rather hard to punish him by this fine for receiving or passing anything in respect of an exchange or promotion or retirement. But a medical man was to be dismissed the Service in such a case. There was another difficulty by providing such heavy punishments. In the old state of the law, officers were allowed to pay money for exchanges. About 1870, they were ordered to pay no money for exchange except the cost of passage;

and in 1875 the Government brought in a Bill allowing officers to pay money for exchanges. He thought that if this Amendment were adopted, the word "knowingly" ought to be put in. If an officer knowingly offended against the law, then nothing could be said for him. He thought, also, that the word "shall," in the latter part of the clause, should be struck out, and "may" substituted, in order that it might not be imperative that an officer should be dismissed the Service for this offence. The punishment provided was very heavy, and the matter ought to be surrounded with some safeguards.

THE CHAIRMAN said, that the hon. and gallant Member could not move to insert the word "may," instead of "shall," unless the Amendment before the Committee was withdrawn.

COLONEL STANLEY did not know whether his hon. and gallant Friend would think it necessary to insert this Amendment. He would observe that this punishment only followed conviction by a court martial; and he might be sure that unless the offence had been fraudulently and knowingly committed no court martial would convict.

MR. CAMPBELL - BANNERMAN would like to know how far this clause was in accordance with the existing law? He was under the impression that under the Brokerage Act of 1809 anyone not an officer who committed these offences was guilty of a misdemeanour, and this would involve a much heavier punishment than was now provided. The offender was now made liable to be fined, whereas, formerly, he could have been imprisoned. If they were to keep in check the transactions which they did not desire to encourage, they should not let off the persons who ought to be punished with a mere fine of £100—a mere nothing for men who set up a regular machinery for carrying on practices which were against the law. He was certainly under the impression that under the Brokerage Act of 1809 the penalty for this offence was imprisonment.

COLONEL ARBUTHNOT wished to point out that the word "liable" in the clause gave a discretionary power, and there was no necessity to change the word "shall" to "may."

COLONEL STANLEY said, that it would be found that in the previous Acts

the persons negotiating these transactions had been made to forfeit £100. He had no objection to make the penalty more severe if the Committee thought it right.

MAJOR NOLAN said, that the words of the Amendment of the hon. Member for Dundee (Mr. E. Jenkins) made it imperative that an officer should be dismissed for these transactions. He thought there might be a fair way out of the difficulty. Three different offences were defined in this clause. The first and second of these related to the purchase and sale of commissions, and the giving or receiving of valuable consideration in respect of promotion or retirement. They were very serious offences; but the 3rd sub-section related to exchanges which at the present moment took place in numerous ways, and people might very easily, unknowingly, transgress the law. He thought that if the 3rd sub-section of the clause were left out, then it might be left as it stood. It was right that for the first two offences a very much heavier punishment should be provided; but in respect of exchanges, he did not think so severe a penalty should be given.

MR. E. JENKINS thought that the right hon. and gallant Gentleman the Secretary of State for War might accept the offer of his hon. and gallant Friend the Member for Galway (Major Nolan), which, in fact, was only a recognition of what was done at the present moment. Of course, it might be done by saying, with regard to the two first offences of the Schedule, if an officer, he should be liable, on conviction by court martial, to be cashiered, and then a sentence should be inserted providing whatever penalty they might hereafter decide upon for the person negotiating. The clause might then be amended by inserting words carrying out the views of his hon. and gallant Friend with regard to the third offence, and relating to exchanges. If that Amendment were accepted by his right hon. and gallant Friend, he thought it would be well.

SIR GEORGE CAMPBELL considered that it would be undesirable to do anything in the Bill which might tend to encourage these offences. He understood that officers were compelled to sign a declaration upon their honour not to commit these offences, and it would be a serious thing if this declara-

tion were false. On the other hand, if they did not make an officer liable to be dismissed the Service for committing the offence, why was the offence inserted at all in a penal clause? He thought that they would be stultifying themselves by adopting the Amendment proposed.

MR. BRISTOWE said, that the Amendment ran—"Shall be liable, if an officer, on conviction to be dismissed the service;" and after that it was provided that he should be liable on conviction, or indictment, or information, to a fine of £100. That was a very heavy punishment in addition to the dismissal from the Service.

COLONEL STANLEY said, the clause was based upon the assumption that those who acted contrary to its provisions did so with a fraudulent intent, and the best course to pursue was to leave it as it stood for the present. He would then see whether some words could not be introduced on the Report which would make it more acceptable to the Committee.

MAJOR NOLAN said, it was a very difficult matter to decide off-hand as to whether there was a fraudulent intention or not. In one case there might be fraud, while in another it might be entirely absent; but he, at the same time, had no objection that an offender under the clause should be made liable on conviction to a severe penalty. The Amendment proposed by the hon. Member for Dundee (Mr. E. Jenkins) was, he might add, in his opinion, preferable to that of the hon. Member for Kirkcaldy (Sir George Campbell). It was desirable, he thought, that too heavy a penalty should not be inflicted, because that would have the effect of defeating the object for which it was proposed that a penalty should be imposed. There were, he believed, some cases, such as those with which the clause dealt, in the Duke of York's time; but, if he was not mistaken, there had been no case of the kind for the last 50 years.

MR. MUNTZ said, he quite concurred with the hon. and gallant Member who had just sat down in the opinion that the imposition of too severe a penalty would operate to defeat the object of the clause. The Act of 1809 imposed a penalty of £500 on any person who aided and abetted another in disposing of his commission beyond regulation price. It appeared, however, according

Colonel Stanley

to the Report of the Royal Commission, that not a single person had been convicted under it of the offence; and, therefore, it was not, he thought, expedient that too severe a punishment should be inflicted.

MR. HOPWOOD said, there could be no doubt that the old law on the subject was still in force. There was first the Act of Edward V., and the Act of 1809, which made the former Statute applicable to England, Ireland, and Scotland, and which provided that any person who was convicted of the offence to which it applied should be liable to be judged guilty of a misdemeanour. The present clause, however, imposed a penalty of £100, which should be recoverable on summary conviction. It had been said that no case of the kind had occurred; but he recollected a case which occurred a few years ago, in which a tailor engaged to procure a young man in the North of England a commission for a sum of £400. An inquiry was instituted into the matter, which lasted some time, and there was a considerable amount of scandal about it; but it did not, he thought, proceed finally to trial. But the parties were brought before a magistrate, and, if he was not mistaken, charged with a conspiracy to commit a misdemeanour. That being so, it might be well to leave the old law unrepealed, and make the offender under the clause liable to the alternative punishment of having a smaller fine than that named imposed upon him on summary conviction before a magistrate.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought it would be better to have a moderate provision, such as that contained in the clause, than that the suggestion of his hon. and learned Friend (Mr. Hopwood) should be adopted.

MR. E. JENKINS would repeat that the object of the Amendment which he had moved was that an officer who was found guilty under the clause should, on conviction by a court martial, be liable to be dismissed from the Service.

SIR GEORGE CAMPBELL objected to the Amendment proposed by the hon. Member for Dundee (Mr. E. Jenkins); because, in his opinion, the punishment of dismissal from the Service would be a comparatively trifling one to inflict for the very serious offence provided against by the 2nd sub-section — namely, the

giving or receiving of any valuable consideration in respect of any promotion in, or retirement from, the Army. A commission, as the Committee was aware, was a very valuable thing; and it might sometimes be worth the while of a rich man to give a considerable sum of money in order to induce an officer to retire from the Service. A very rich man, for instance, who happened to be second in command in a crack Cavalry regiment, might say to the commanding officer that if he chose to retire from it he would give him £4,000 or £5,000. Now, there ought, in his opinion, to be a real penalty imposed in such cases, and the Amendment which he proposed would provide such a penalty.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that, as he understood the matter, it was now proposed that an officer should be made liable, under the operation of the clause, to be dismissed the Service, in addition to having to pay a fine of £100. The contention of the hon. Member for Kirkcaldy (Sir George Campbell) was that a fine of £100 was not a sufficient penalty; but there would be no objection, he believed, on the part of his right hon. and gallant Friend the Secretary of State for War to increase the amount of the fine, if that course should seem to the Committee to be desirable. Speaking for himself, he thought the penalty proposed in the clause was quite high enough, and much more likely to effect the object which the Committee had in view than if a heavier punishment were imposed.

COLONEL BARNE suggested that the clause should be so worded as to provide that a person convicted on indictment, or information under it, should be made liable to a fine not exceeding £1,000. If it were framed in that way, the fine might be made large or small, as the Court might think fit, and justice would be done in accordance with the circumstances of each case as it arose.

COLONEL STANLEY said, he entirely concurred in the opinion which had been expressed by more than one hon. Member, that if too heavy a penalty was imposed, it would be likely to defeat the object of the clause. The lighter the penalty the more likely would an offender be to be convicted.

MR. BIGGAR thought the proposal of the hon. Member for Kirkcaldy was a very reasonable one. The Court, in his

opinion, should have the power to sentence a man to imprisonment for such offences as those against which the clause was directed, amounting, as they did, to a fraud on the public. He saw no good reason, indeed, why imprisonment should not be inflicted in such cases, in addition to a fine of £100.

MR. E. JENKINS said, he should not, in deference to what appeared to be the feeling of the Committee, press his Amendment, on the understanding that some such words as he had proposed should be afterwards inserted at the commencement of the clause.

COLONEL STANLEY said, he would consider the matter before the Report.

Amendment, by leave, *withdrawn*.

SIR GEORGE CAMPBELL moved, in page 81, line 9, after the word "pounds," to insert—

"Or to imprisonment with or without hard labour for any period not exceeding six months, and if an officer, on conviction by court martial, to be dismissed the service."

Great scandals, he said, had in former days existed in connection with the sale and purchase of commissions, and it was not at all unlikely that underhand dealings might continue to go on—such as that of a rich man's son in the Army inducing his senior officer to retire, in order that he might obtain promotion. There were also, it should be borne in mind, other considerations and inducements which entered into the question besides money. An influential man in the commercial world might say to another that if he could get his son promoted he would make him a director of a railway company, or put him in the way of this or that good thing, or say—"I will buy your house or your horse; name your own price." His experience in India told him that things of that kind did occur. The penalty for such offences ought, in his opinion, to be a real one, and not simply one which, he believed, many hon. Members regarded as a perfect farce. He was quite sure that, in the case of a rich man, the sacrifice would in no way operate as a deterrent against the violation of the provisions of the clause.

COLONEL STANLEY said, he had no objection to accept the Amendment.

COLONEL BARNE wished to know whether he would be in Order in moving

the insertion of words in the clause, in lieu of the words "one hundred pounds," providing that the fine should not exceed a certain sum, say, £1,000?

THE CHAIRMAN said, the hon. and gallant Member would not be in Order in then moving such an Amendment.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 149 (Penalty on purchasing from soldiers regimental necessaries, equipments, stores, &c.).

MR. PARNELL moved, in page 81, to omit all the words from "unless," in line 24, down to the word immediately following the word "ignorance," in line 25, with the view of substituting for them the words, "if it be proved either that he acted with a knowledge." The words which he proposed to leave out, he said, proceeded on the principle of reversing the ordinary prescription of law, in accordance with which a man was deemed to be innocent until he was proved to be guilty. As the clause stood, a person buying, exchanging, selling, or pawning regimental property, or any blankets, bedding, or other articles, in regimental charge, had the onus thrown upon him of proving that he was innocent of the offence. Now, he could not see that that was at all necessary; and he hoped, therefore, the Committee would assent to the Amendment, and not alter in the present instance that which was, as he had said, the ordinary presumption of law.

MAJOR NOLAN hoped his hon. Friend would not press the Amendment. The present law was very rarely put in force; but there was no doubt that soldiers found the opportunity very frequently presented to them of making away, if they felt so inclined, with a number of articles, which the person who bought them pretty well knew were not his property. In such cases, it was extremely hard to obtain a conviction, and those against whom such charges were brought were generally unworthy of sympathy. There might, of course, be instances in which the clause would operate harshly upon a shopkeeper or a pawnbroker who was ignorant that he was doing anything wrong in purchasing or receiving property from a soldier; but it was necessary to guard against the old

Mr. Biggar

hands in the garrison towns, who made a practice of dealing in that way, and it would be, in his opinion, inexpedient in any way to weaken the law as against them. The penalty was only £20, and he knew no case in which the law as it stood had been abused. The hands of the authorities, he thought, should be strengthened in seeking to put down those offences, which, so far as the soldier was concerned, were committed for the purpose of procuring drink.

Mr. HOPWOOD said, that if the law was only rarely put in force, as his hon. and gallant Friend (Major Nolan) stated, that was a very good reason why the Committee should not be asked to make, in the present instance, an exception to a general rule. The point the Committee had to consider was whether the law was open to objection or not, and they must not trust to its being seldom put in force in dealing with that point. His hon. and gallant Friend also stated that the penalty was only £20; but he found that in case of a second offence a person might be imprisoned with or without hard labour, and he, for one, could not see the justice of calling on a prisoner, under such circumstances, to prove his innocence. Indeed, it was almost impossible in the majority of cases that he could do so. And he would point out when the Merchant Shipping Act was passed through the House there had been very animated discussions on the question whether the captain of a ship should or should not be called upon to prove his own innocence. He, for one, objected to such a course of legislation as that proposed by the clause; and he should suggest the substitution of some such words as "unless it appears he acted in ignorance," for the words "unless he proves he acted in ignorance." If that were done, the presumption that a man acted in ignorance, and was, therefore, innocent of the offence with which he was charged, would not be made the subject of positive proof, which, as he said, it was almost impossible for him to furnish in the majority of cases. He hoped his hon. and learned Friend the Attorney General would assent to some such modification of the clause.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) did not think there would be any use in adopting the suggestion of his hon. and learned Friend (Mr. Hopwood). To do so would only be to ren-

der the clause more vague and indefinite. The objection, as he understood it, urged by the hon. Member for Meath (Mr. Parnell) against the clause in its present form was that it would throw the burden of proof on the accused person, thus reversing the ordinary presumption of law. It was natural that such an objection should be taken; but it happened in certain cases that it was almost necessary that the burden of proof should be shifted. The existence of certain facts raised a strong presumption of guilt, and in such cases the onus of proving his innocence was, he thought, not unfairly thrown upon the person to whom those facts pointed as having committed the offence. If, for instance, certain property was stolen, and it was immediately after found in possession of someone, there would be a strong presumption that that person was in some way implicated in the theft, and he might very properly be called upon to account for the way in which it had come into his possession. It was most desirable, he might add, to prevent such offences as the pawning of equipments, regimental decorations, and other things enumerated in the clause; and if it were necessary to prove in every instance that the person in whose possession they happened to be found had obtained them by fraudulent means, it would be extremely difficult to procure a conviction. A man who was accused of a theft must know better than anybody else how he came by the stolen property, and would, of course, give the necessary information about the matter. In a great many cases it would be utterly impossible to bring forward proof of fraudulence; and it was, therefore, in his opinion, not at all unreasonable that the man found in possession of stolen property should be called upon to account for its possession. It was, however, worthy of consideration whether words should not be introduced into the clause enabling the accused person to give evidence in his own behalf. If he were innocent, it would, of course, be a great advantage to him to be afforded the opportunity of doing so, and would, in all human probability, be the means of securing his discharge. If, on the other hand, he were guilty, such a provision as he (the Attorney General) suggested would almost certainly lead to his conviction; because, if his story were not true, the evidence which he would give would

be very likely to establish his guilt. He hoped, therefore, the hon. Member for Meath (Mr. Parnell) would not press his Amendment, on the understanding that a provision should be inserted in the Bill providing that a person accused under the operation of the clause should be enabled to give evidence on his own behalf.

COLONEL COLTHURST bore testimony to the magnitude of the evil against which the clause was intended to provide. In North America, for instance, desertion would be simply impossible but for the existence of a class of persons who bought, generally for a very trifling sum, the accoutrements of the soldiers. He should like, therefore, to see the clause left as it stood, so that the law might effectually reach those offenders.

MR. HERSCHELL thought that the Amendment which had been suggested by the Attorney General would carry out the object which the hon. Member for Meath had in view.

MR. BIGGAR was of opinion that the proposal of the Attorney General would not meet the difficulties of the case. He preferred the words which had been suggested by the hon. and learned Member for Stockport (Mr. Hopwood). To treat a person as guilty until he was able to prove a negative was, he thought, a great injustice, and there would be no advantage in allowing an accused person to give evidence, because the court would not in all probability believe him.

MR. E. JENKINS thought the suggestion of the Attorney General might very well be accepted by the Committee, or the word "knowingly" might be inserted in the 10th line, and then the clause would read—"every person who knowingly" committed any of the offences to which it related.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, it would be extremely difficult to give proof that a man who was found in possession of stolen property came by it knowing it to have been stolen; and the object of the clause would, therefore, be in a great measure defeated if the word "knowingly" were inserted. As to the argument of the hon. Member for Cavan (Mr. Biggar), that if an accused person were allowed to give evidence in his own behalf the magistrates would not believe him, he could only say that if he were a

man who ought not to be believed it was not desirable that he should be. The provision he had suggested would, he thought, meet all the difficulties of the case.

COLONEL BARNE asked whether the clause would apply to the Colonies?

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, it appeared to him that it would.

MAJOR O'BEIRNE could not see what objection there could be to framing the clause in accordance with the words of the old Mutiny Act.

MAJOR NOLAN agreed with the Attorney General in thinking that if the word "knowingly" were inserted in the clause it would be very hard to procure a conviction under it. In fact, there were always some scoundrels outside barracks who were constantly encouraging the soldier to plunder; and he, in a moment of weakness, yielded chiefly for the purpose of being able to get drink. Those persons ought, he thought, to be severely punished.

MR. PARNELL said, that before referring to the proposition which had been made by the Attorney General he wished to state that he did not like the clause at all. It was, in his opinion, a very unsatisfactory clause, and ought to be withdrawn, with the view of its being remodelled on the lines of the old Mutiny Act. No case, he contended, had been made out by the Government for the extension of the powers which they possessed under Clause 85 of that Act; and it was an extension of those powers to provide that a person accused of any of the offences enumerated in the clause should be called upon to prove his innocence. If any such alteration had been really required, the precedent set in the Act applying to the Navy would, he could not help thinking, have been followed long ago, and some such provision as the present would have been made in one of the annual Mutiny Acts. However, he would not press his Amendment on that occasion, and would accept the suggestion which had been made by the Attorney General.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, he would introduce words on the Report enabling an accused person to give evidence on his own behalf.

The Attorney General

Mr. PARNELL thought it would be better that the proposal of the hon. and learned Gentleman should be embodied in a new clause, so that the Committee might have an opportunity of discussing and considering what the effect of the words which he suggested would be. They could not be conveniently discussed on the Report.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, he would consider the matter.

Mr. PARNELL said, the next Amendment which he had to move was merely a verbal one; but it was necessary in order to prevent ambiguity. The clause provided that every person who committed any of the offences to which it related should be liable to fine and imprisonment, unless, among other things, he was able to prove that the property found in his possession was sold "by order of a Secretary of State, or some competent military authority." Now, he thought the authorities ought to be called upon to prove that themselves; and he should, therefore, move the insertion, after the word "or" in line 26, of the words "if it be proved." It was obvious that the military authorities would always be in a position to prove that certain articles had not been sold by their authority.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that although it might not be difficult for the military authorities to show that some goods belonging to them had been sold, it might not be easy for them to prove that the very goods in question had been sold. He did not think, therefore, it would be reasonable to throw upon them the burden of proof in the matter.

Mr. HOPWOOD said, there would, in his opinion, be no injustice in presuming that goods which were found in a man's possession, and which were marked, for example, with the Royal Arms or the Broad Arrow, had not been sold by order of a Secretary of State, or some competent military authority.

Mr. PARNELL said, he would not press the Amendment.

Amendment, by leave, *withdrawn*.

Mr. PARNELL moved, in page 81, line 35, to leave out the words "and in addition," and insert "or." This was a

question of punishment, and the point was whether it was fair to give, in addition to the fine, punishment in the form of imprisonment? It was not usual to do this in summary jurisdiction courts; in fact, he was not sure that it was legal. He hoped the Government would agree to the Amendment.

COLONEL STANLEY thought that the reason that the pecuniary penalty was accompanied by one of imprisonment was that a fine alone was found not to be sufficient as a deterrent. It was found that many of these people made a regular trade in this business, and the profits were so large that a fine did not meet the case. The consequence was the imprisonment was also awarded in certain cases.

Mr. HOPWOOD was at a loss to know why, if the profits from this business, as it was called, were so large, the Government should not multiply the fine, say, three times. He should have thought that that would have been sufficient to keep down the offence. It seemed to him that it was clear that the punishment awarded in addition to the fine was excessive, and he hoped the Government would accept the Amendment.

COLONEL MURE said, he hoped the right hon. and gallant Gentleman would not give way in this matter, which referred to one of the greatest difficulties they had to deal with in connection with this branch of the Army question. If he had his way, he should be more inclined to increase the penalty than to reduce it in connection with the offence of soldiers selling their kits. Those who bought them, as a rule, knew very well the offence they were committing; and they did their best, in fact, to induce soldiers to commit petty thefts of this nature. He sincerely trusted that in no way would the attempt made to diminish the punishment be successful.

COLONEL ARBUTHNOT said, that he hoped the hon. Member for Meath (Mr. Parnell) would on this occasion show some deference to the views of those who had experience in these cases, and withdraw his Amendment.

Mr. O'DONNELL said, the objection to the clause was that it imposed a double penalty—imprisonment as well as fine. That seemed to be a very surprising proposal to make to the House,

and he thought the best course the Government could adopt would be to accede to the Amendment of his hon. Friend. He thought the suggestions which had been thrown out, if adopted, would be found much more successful in promoting a diminution of this class of crime than the system which had been unsuccessfully pursued hitherto. Besides, he wished to point out to the Committee that if they were to surround thefts from Government Departments with all these pains and penalties, they would tend to produce an impression in the minds of the officials that it was not necessary for them to exercise ordinary precaution and care in guarding the public property committed to their charge. He thought this would have a most pernicious effect, and it was entirely opposed to the notion of the Secretary of State for War, which would tend, in his opinion, to laxity in Government Departments. He did not see why Government officials should be tempted to take things easily by having greater safeguards provided for the property under their care than was the case with regard to private property. He was entirely opposed to exceptional legislation of this sort, which very often defeated its purpose. That was one portion of his objection. Then, as to the point raised by his hon. and learned Friend the Member for Stockport (Mr. Hopwood), the excessive character of the punishment was noticeable; and he would point out to the Committee that excessive punishment always tended to produce a re-action in favour of the person liable to the excess of the punishment. If the penalty imposed was of a reasonable character, such as was imposed on receivers of other kinds of property, no sympathy was created; but when they found men punished in an excessive degree for this particular kind of offence, then there was likely to be produced a corresponding amount of sympathy in relation to the accused parties. There was always a tendency to create sympathy in proportion to the excessive character of the sentence. It was much better to inflict moderate penalties than to fling out sentences which inevitably led to a re-action in the public mind in favour of the class to whom the accused parties belonged.

MR. PARNELL said, what he objected to was not so much an increase of

punishment as having this accumulative punishment. They had not accumulative punishment in civil matters, and he was entirely at a loss to know why they should have it in military cases. No necessity whatever had been shown for the increased punishment awarded in these peculiar cases; but if the Government wished, let them give a magistrate the option of inflicting either a fine or a term of imprisonment, as was done sometimes in civil cases. Do not let them say that the Judge, whoever he was, in this case must inflict both penalties. That was contrary to the spirit of our law; but that did not excuse it. If they found it necessary to give a man 12 months with hard labour, let them give it to him; but do not let them in addition to that inflict a pecuniary penalty. Let them have one or another; do not let them have both.

MR. CHILDERS said, that, having been appealed to by his right hon. and gallant Friend (Colonel Stanley), he was obliged to say that cumulative penalties had not been imposed by the Act of 1869.

COLONEL STANLEY said, he must apologize for having misled the Committee with regard to the law having been altered once or twice. Therefore, he proposed to follow the Act referred to, and not make the punishments accumulative.

COLONEL MURE asked whether it would not be advisable to give punishments for a longer term under these circumstances? [MR. PARNELL: No.] He (Colonel Mure) thought the proposal as to treble the value of the article was absurd; but should like to know what was the treble value of an old coat? He said the value ought not only to be trebled, but ought to be increased by 10 times. ["No, no!""] Hon. Members shouted "No, no!" but they had no knowledge whatever of how rife these offences were. Offences were constantly being committed, and though they were small they were very annoying; and he had not a shadow of a doubt in his own mind that the facilities given for these thefts by the receivers were, to a great extent, responsible for the increase of desertion throughout the Army. He hoped the right hon. and gallant Gentleman would not diminish the penalty, but rather increase it.

Mr. O'Donnell

Mr. HOPWOOD said, it seemed to him that the matter as it now stood had been placed in its right position by the right hon. and gallant Gentleman the Secretary of State for War.

Mr. MORGAN LLOYD said, he was very much surprised that the right hon. and gallant Gentleman should depart from what he had already placed in this Bill. It certainly seemed to him, after carefully looking into the matter, that the clause, as originally framed, was not open to the objection that it imposed cumulative penalties. A simple fine might be a sufficient punishment for a first offence, and it would not be unreasonable to make a subsequent offence punishable with fine and imprisonment. The offences dealt with by the clause were numerous, though not of a serious nature, and a gradation of punishment should be adopted to meet the varying circumstances.

Amendment (*Mr. Parnell*) *negatived.*

Amendment (*Colonel Stanley*) *agreed to.*

Mr. PARNELL said, he did not intend to propose his next three Amendments, as they were governed by an agreement made with regard to another clause; but in page 82, line 5, he proposed to leave out from "and" to end of sub-section, inclusive. He thought that the provision as it stood was an exceedingly objectionable one, because it cast upon persons charged with the offence the necessity of disproving it—an exceedingly difficult thing, when he knew that obliterations of marks were made by persons who had an object, of course, in making those obliterations, and once they were made the place of those obliterations might very easily escape the notice of the person into whose possession the property came.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, he thought the words objected to by the hon. Member might reasonably be left out.

Amendment *agreed to.*

Mr. PARNELL said, he did not intend to move his next Amendment, because it was governed by an arrangement previously made; but in page 82, line 15, he would move to leave out from "and" to end of sub-section, in-

clusive. It appeared to him that the sub-section gave a very objectionable power—it gave to the man power to act as a constable. He thought that care should be taken to obtain the intervention of a constable. It seemed to him to be an un-English proceeding to collar a man and take him off to gaol at once, without calling in the recognized agent of the law. This was not allowed in ordinary life, and he did not see why it should be introduced into military.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, he did not quite see why there should be so much sympathy with these people. The offences they committed were serious, and if a man committed an offence of this kind, surely there was no injustice in allowing him to be apprehended. Though it might not be by a policeman, it seemed to him that the person to whom the goods were offered should have the power to take a man into custody. It might be more regular to hand the man over to a constable at once; and, no doubt, in every case where that could be done it would be done. There were analogous cases, and it was not at all uncommon, in cases of stolen property, to detain the party charged until a constable arrived. In this case, where there was ground for reasonable suspicion, power was given to detain and bring before the Justice of the Peace the party offering the articles. He did not know that there was anything wrong about that.

Mr. PARNELL said, it might be undesirable to disturb the Act to which the hon. and learned Gentleman referred, and, therefore, he should not press his Amendment.

Amendment, by leave, *withdrawn.*

Mr. PARNELL said, he begged now to move, in page 83, line 2, to leave out from "on" to "otherwise," in line 3, inclusive. He did not see why an exception should be made in the case of the Legislature of a Colony, whereby the Legislature of a Colony would be prevented from reducing a fine, unless the Government of the Colony recommended it. He thought they might fairly leave such a power to the Legislature of the Colony.

Mr. E. JENKINS hoped that the hon. Member would withdraw the proposal.

MR. O'DONNELL hoped that his hon. Friend would do nothing of the kind. Suppose, in the case of an important Colony, that the Legislature should take it into their heads to pass an Act reducing that fine, then, unless we were to embark in a contest, in which we might be quite sure we should get the worst of it, we should have to give way on this point. There was no use passing an Imperial Act, which would have the tendency to run counter to Colonial views.

MR. CHILDERS said, he was not likely to take the side of giving excessive power to an Imperial Government at the expense of the Colonies; but if there was one Imperial Prerogative more than another recognized in the Colonies as a matter not to be interfered with by the Colonial Legislature, it was that which related to the discipline of the Army. No interference with this Act should take place without the previous assent of the Imperial Government through the Governor.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Jurisdiction.

Clause 150 (Person not to be tried twice).

MAJOR O'BEIRNE moved, in page 83, line 10, after "offence," to insert—

"Or if a purchase officer to be deprived, unless by sentence of court martial, of any portion of any sum of money he may be entitled to receive from the Army Purchase Commissioners."

THE CHAIRMAN ruled that the point raised by the hon. and gallant Member would be the subject of a separate clause; and, therefore, it could not be discussed on this Amendment.

MR. BIGGAR suggested to his hon. and gallant Friend that he might move to add this Amendment to the end of the clause.

MAJOR O'BEIRNE said, he would postpone his Amendment.

Clause *agreed to*.

Clause 151 (Liability to military law in respect of status).

MR. PARNELL moved, in page 83, line 20, to leave out from "except" to "enlistment," in line 21.

COLONEL STANLEY pointed out that the clause, as it stood, met the abuse; and he hoped the hon. Gentleman would not press the Amendment.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 152 (Liability to military law in respect of place of commission of offence).

MAJOR NOLAN moved to add to the clause—

"Provided That the rules of military and martial law in the place where the crime is committed be the same as those prevailing in the place where the court martial has been commenced and sits."

He referred to the case of the trial of Gordon, in Jamaica, and said that his object was, in moving the Amendment, to prevent such a similar case occurring again. In that case, as the Committee were well aware, Gordon was removed from a district where martial law did not prevail to a district in which it did operate, and there he was tried and sentenced. Now, this Amendment would make such a proceeding as this quite impossible, and it was of the utmost importance that this provision should be inserted. They had had the views of two eminent Judges on the case of Governor Eyre—Lord Chief Justice Cockburn and Justice Blackburn. The Lord Chief Justice condemned the proceeding, and Justice Blackburn took an opposite view. But he did not think there could be any question whatever as to the impropriety and illegality of removing a man from a district in which he resided in order to bring him under laws of a different nature in another district. He did not think that such a case as Gordon's should ever arise again. The Government would fly in the face of a mutiny, and take a prisoner from one part of the district to another. In his Amendment, after the word "same," he wished to insert "with regard to that crime." If this proposal of his had been in operation at the time Gordon was removed from Kingston, he could not have been tried or executed, and the case would never have arisen. He had no preference for the words in his Amendment; if the principle of it were adopted, he should have no objection to withdraw the Amendment, and give place to one framed in a different way.

But the case was one of such enormous importance that now they were re-considering the whole of the Military Law it was essential that something should be done to put martial law in order. People were in doubt as to the difference between military law and martial law. The object of martial law was to make civilians liable to military law; and if they declared that a certain thing could not be done under military law all parties would be protected.

SIR HENRY JAMES said, he really did not understand the Amendment of the hon. and gallant Gentleman—he meant he did not quite appreciate it. If he did, he should be happy to support him in carrying it out. Was the meaning this—that where a person was found in a certain place they might try him; but they must not move him back to a place where the offence was not committed? They ought not certainly to remove a man from where martial law did not exist to a place where martial law was in operation, and there try him.

MAJOR NOLAN said, that had been done.

SIR HENRY JAMES said, if so, it was an illegal act, and if the hon. and gallant Member would look at the law he would find that it was so. The hon. and gallant Member's Amendment was in these terms—

“Provided, That the rules for military and martial law in the place where the crime is committed be the same as those prevailing in the place where the court martial has been commenced and sits.”

Well, the rules of military and martial law were the same everywhere. And the Amendment as framed would not prevent an illegal removal from a district where martial law did not exist to a district where it did.

MAJOR NOLAN could only refer the hon. and learned Gentleman to the case of Gordon. Governor Eyre took Gordon out of the district where ordinary law was in force to a district where he could be brought under the operation of martial law. He had already mentioned that there was serious difference between the Judges on these points; but he hoped and trusted that all doubt would be removed. His object was to remove all doubt, and the law as it stood was, he maintained, extremely doubtful. The Chief Justice charged against it, and Justice Blackburn went the other way.

This was a most fitting time to make some declaration in the Bill to prevent a similar grave injustice, and the only way to make sure was to have the words clear and distinct in the Act. He was not particular as to the words, so long as it was made clear that a man should not be removed from a civil law district to a martial law district; and he believed it was the duty of the Committee to take steps, whether in the form he proposed, or in another form, to prevent a repetition of the Gordon case.

COLONEL STANLEY said, he quite shared in the feeling as to the importance of the point raised by the hon. and gallant Gentleman; and he granted that if the matter were not perfectly clear it would be necessary or advisable to entertain such a proposal as he had submitted to the Committee. But he would not like to admit by implication that military law and martial law were synonymous. He wanted to point out what they would do if they adopted this Amendment. They would be making the most important change in a manner which he thought was open to considerable objection. He thought this was a subject which ought to be dealt with in some other manner; and he would propose that the object aimed at by the hon. and gallant Member would best be achieved by the bringing up of a new clause. As far as military law was concerned, this Amendment did not seem necessary; and with regard to martial law, he confessed he humbly agreed with the hon. and learned Gentleman opposite that there ought to be no doubt whatever about the law on this subject.

SIR ALEXANDER GORDON said, he hoped the Committee would keep the two questions of martial law and military law separate and distinct. They had nothing whatever to do with each other. The hon. and gallant Member for Galway was, he thought, mistaken in supposing that martial law was in any way derived from the Mutiny Act. The Mutiny Act gave no power to have martial law, and he thought it would be a most fatal mistake to put words into the Bill renouncing martial law. He had himself proposed to ask for an inquiry into this subject; but he had decided not to go on with it, because the Business of the House was so great. He only rose now to express a hope that

the Secretary of State for War would not accept the Amendment.

SIR HENRY JAMES said, that he understood the view of the hon. and gallant Member to be this—that where a person committed an offence against military law, he should not be conveyed from that district into a district where martial law existed, and there tried. He thought everyone would agree that these two things were quite distinct. That might be what was done in Governor Eyre's case in relation to Gordon; but he did not rely on that. He did not think it was possible that such a thing could be done again. He would submit to the hon. and gallant Member the following words:—[The hon. and learned Member then read, in a tone which did not reach the Gallery, the words of the Amendment.]

COLONEL STANLEY said, he was willing to accept this proposal.

MAJOR NOLAN asked leave to withdraw his Amendment.

SIR ALEXANDER GORDON reminded the Committee that this was the first time the expression, martial law, had been recognized, and he did think it was a dangerous thing to sanction the expression of martial law in the Mutiny Act. It was the first time that martial law was recognized as part of the law of the land.

THE CHAIRMAN said, he must point out to the Committee that it was questionable whether this Amendment fell within the clause. The Amendment had reference to martial law, and appeared to him to be outside the subject then before the Committee.

MAJOR NOLAN said, that after that statement he did not think he could withdraw. The hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) said that this was the first time they were recognizing martial law; but he referred the hon. and gallant Member to *Simmonds on Courts Martial*. Their Imperial law was frequently referred to; and it was quite clear that, in passing the Mutiny Act, they might modify martial law. If they were to pass this clause as it stood, they would be laying the foundation for proceedings similar to those which had happened in Jamaica; and he felt that it was necessary to put in this Bill a specific declaration, pointing out that it did not extend to martial law. He

Sir Alexander Gordon

considered that the Amendment had been greatly improved by the words suggested by the hon. and learned Member for Taunton, and he could not see what there was out of Order in proposing it.

MR. MUNTZ said, he thought the Committee was very deeply indebted to the hon. and gallant Member for Galway (Major Nolan) for bringing forward this important subject. They had not had the question of martial law decided. They had the opinion of the Lord Chief Justice and of Justice Blackburn—one opposing the other. Now, martial law was well understood when it was proclaimed in foreign countries. It dealt with all offences which took place after the proclamation. But in the case mentioned by the hon. and gallant Member for Galway—the case of Gordon—he was tried for an offence committed 12 months before martial law was proclaimed. Such a thing as that would not be possible in Russia or Austria. If it was felt that this was not an opportune place to make the Amendment desired, by all means let the proper one be pointed out, and availed of. It was important that care should be taken to prevent the recurrence of the lamentable execution in Jamaica.

SIR HENRY JAMES said, he expected the ruling of the Chair, and, in fact, his own view was that this Amendment was hardly necessary. But he was anxious to bring the discussion to a close. Martial law was no law at all. It was a subject that was not, and could not be, dealt with by this Bill. This was a Bill to regulate military law, to which, and not to martial law, soldiers must be subjected. He agreed that they were treading on dangerous ground. He hoped the hon. and gallant Member would be satisfied now that the attention of the Committee had been drawn to the subject, and that he would withdraw the Amendment.

MR. PARNELL, although it might appear to be taking a great deal upon himself, could not altogether agree with the view of the hon. and learned Member for Taunton (Sir Henry James). It appeared to him that the Legislature had been guilty of a grave omission in not codifying military as well as martial law; because it so happened that whenever martial law was proclaimed in a country, it was practically a suspension

of all law. Therefore, he thought that if power was to be left to the Commander-in-Chief to proclaim martial law in any country the power should be limited and the law codified, and that it should not be permissible to administer any law which was not subject to some careful scrutiny. He did not think this could be done in a clause added to the Bill, unless it was decided that all the provisions of military law were necessary where martial law was proclaimed. For instance, martial law was proclaimed at that moment in South Africa; but it would be obviously unnecessary to have all the provisions in this Act proclaimed there. But a certain number of clauses might be picked out from this Bill which could be made to govern the actions of Commanders-in-Chief, and by that means the abominable abuses which always had and always would exist wherever martial law was proclaimed would be avoided, and the law would be redeemed from the horrible atrocities and unjust treatment of the inhabitants for which it was now answerable. Martial law should be strictly limited and governed by law, instead of being beyond all law.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 153 (Liability to military law in respect of time for trial of offences).

MR. PARNELL moved, in page 84, line 5, to leave out "three years," and insert "one year."

COLONEL STANLEY said, the clause, as it stood, was practically a great relaxation of the existing law, and had been very carefully considered. If, however, the Committee were so minded, he had no objection to substituting "two years," instead of the three years mentioned in the clause.

SIR ALEXANDER GORDON said, Clause 97 of the existing Act required that the term should be limited to three years; there was, therefore, no relaxation in the present case. He hoped that the words of the clause would be retained.

MR. PARNELL thought it unfair that hon. Members on his side of the House should prevent the Secretary of State for War mitigating the terms of the clause, seeing that he had expressed his readiness to do so.

SIR ALEXANDER GORDON rose to Order. Was it competent to an hon. Member to say that another hon. Member was unfair in expressing his opinion upon a question before the Committee?

THE CHAIRMAN could not say that the expression used by the hon. Member for Meath (Mr. Parnell) was out of Order.

SIR HENRY JAMES said, he had understood the right hon. and gallant Gentleman to be anxious to get the opinion of the Committee upon this point. There was at Common Law no Statute of Limitations which would prevent the trial of persons after any particular time; therefore, there was no injustice in saying that a person should not be tried for any offence committed three years before the date of trial. He could see no advantage to the public in this Amendment.

Amendment *negatived*.

MR. PARNELL proposed to leave out the words from the word "but," in line 14, page 84, to the end of the clause. The matter referred to, he considered, should be left to the discretion of courts martial. These peremptory provisions in an Act of Parliament were very objectionable, especially in the case of fraudulent enlistment.

Amendment *negatived*.

Clause *agreed to*.

Clause 154 (Adjustment of military and civil law) *agreed to*.

Evidence.

Clause 155 (Regulations as to evidence).

MR. PARNELL moved the omission of the words "purporting to be," in page 85, line 17. The question of proving the signatures of soldiers to their attestation papers had been frequently raised during the passage through Committee of the Mutiny Acts. He objected to the reception of these papers as evidence, without proof of handwriting.

MAJOR NOLAN pointed out that there would be great difficulty in verifying the handwriting by comparing the attestation papers with the known writing of the soldier. The writing of a man was very frequently changed by the instruction he received in the schools.

MR. HOPWOOD thought the hon. Member for Meath would see that the legal meaning of the words was that, *prima facie*, the attestation paper produced by the proper person should be proof that it was signed by the man on his trial. But he apprehended that, according to every idea of fairness, if a man protested that the paper was not signed by him, the authorities would look for confirmatory evidence.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 156 (Evidence of civil conviction or acquittal) *agreed to*.

Clause 157 (Evidence of conviction by court martial) *agreed to*.

Summary and other legal Proceedings.

Clause 158 (Prosecution of offences, and recovery and application of fines).

MR. PARNELL moved to leave out the word "may," in page 88, line 2, in order to insert the word "shall." The clause would then run—

"Any proceedings taken before a court of summary jurisdiction in pursuance of this Act shall be taken in accordance with the Summary Jurisdiction Acts, so far as applicable."

Amendment *agreed to*.

MR. PARNELL objected to the payment to informers of any portion of the fines incurred by persons against whom they informed; and, therefore, begged to move the omission of all the words from the word "applicable," in page 88, line 3, down to the end of the clause.

Amendment proposed, in page 88, line 3, to leave out from the word "applicable," to the word "informer," in line 6, inclusive.—(*Mr. Parnell*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR HENRY JAMES supported the Amendment, and said the informer was hardly ever a deserving person, and he had never known any good come from the practice of allowing him to receive part of the fine.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) entirely agreed that the informer was not always a worthy

person; but it was part of our policy to make use of the information derived from such persons for the purpose of enforcing the law. It was not desirable, but necessary to do so.

MR. PARNELL said, that the Committee were asked to give a reward for evidence which every Judge would describe to the jury as tainted.

MR. E. JENKINS pointed out that Members of Parliament and publishers of pirated works of authors were liable to be informed against; it would, therefore, be going a long way to relieve soldiers from a liability to which all other classes were exposed.

MR. HOPWOOD supported the Amendment. The clause dealt with soldiers, and with a class of men who might be led to commit an offence. It encouraged a class of men whose business it was to bring about the commission of offences against the law, in order that they might derive some benefit therefrom.

MR. BIGGAR thought that he remembered some hon. and gallant Gentlemen to have argued on former occasions that a system of giving a share of the fines to soldiers was very objectionable, on the ground that it led to cases of collusion. He might remind the Secretary of State for War of this circumstance, as an additional reason for his accepting the proposed Amendment.

SIR CHARLES W. DILKE said, the reply of the Solicitor General was irrelevant. It was no argument to say that the use of the informer was part of our system, if it could not be shown that the informer had done any good.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) said, he had known the law to be enforced by this means in a great many cases where otherwise it would not have been enforced.

Question put.

The Committee *divided*:—Ayes 184; Noes 97: Majority 87. — (Div. List, No. 153.)

Clause, as amended, *agreed to*.

Clause 159 (Summary proceedings in Scotland) *agreed to*.

Clause 160 (Summary proceedings in Isle of Man, Channel Islands, India, and the Colonies) *agreed to*.

Clause 161 (Protection of persons acting under Act).

MR. E. JENKINS said, that if the nature of the acts likely to be charged against persons under the Act were considered, it would hardly be thought unreasonable that the time mentioned in the clause within which redress might be sought should be extended to 12 months. He, therefore, moved, in page 89, line 27, to leave out the word "six," in order to insert the word "twelve."

MR. PARNEILL supported the Amendment. He did not see how the six months mentioned in the clause would render its working more simple, or involve any advantage to the Public Service.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) said, he could not advise the right hon. and gallant Gentleman the Secretary of State for War to agree to the proposed alteration. The period of six months was one which ran through our criminal jurisprudence.

SIR HENRY JAMES pointed out that the offence might be committed in India, and that the necessary communications with legal advisers in England would occupy much time. There was a marked difference between the time necessary to get evidence in England and that required for the same purpose in India. He thought the Amendment should be agreed to.

SIR ALEXANDER GORDON hoped the Secretary of State for War would see no objection to extending the time to 12 months. From his personal acquaintance with cases which had occurred, he was sure that six months was not a sufficiently long period to allow to persons in India and China for bringing their action. More than six months might elapse before persons so situated could come home and take action.

MR. E. JENKINS said, it had been stated by an hon. and learned Gentleman on the Front Bench that this Act empowered officials to do exceptional things; and he, therefore, thought, in view of that fact, an exception might be made from the general rule of our jurisprudence, and longer time given for obtaining redress. They were placing tremendous powers in the hands of officers, and if a wrong should be done by them, that wrong would be intensi-

fied by unduly restricting the time for obtaining redress.

MR. HOPWOOD thought the policy of the clause was very doubtful. There was every reason why disabling clauses of this kind should be watched very narrowly, and that care should be taken that they were not made to affect the right of a person to come to a court to demand justice. There were many impediments to a man's ascertaining his right to justice, and everyone could understand how persons distributed upon the face of the globe should not be able to get justice on the spot. It might be an exceedingly important thing for a person to have a longer time than six months within which to bring his action. The period of 12 months appeared to him a reasonable one; and he trusted the right hon. and gallant Gentleman would see his way to accepting the proposed Amendment.

MR. STAVELEY HILL considered that it would be much better to extend the period named in the clause to 12 months, and hoped the Secretary of State for War would give way upon this point.

Amendment agreed to.

MR. E. JENKINS moved, in page 89, line 29, to leave out the word "six," and insert "twelve."

Amendment agreed to.

MR. HOPWOOD pointed out that the provisions of the second paragraph of the clause with regard to the tender of amends and the recovery of costs were already the law of the land. Their introduction into the clause was, in his opinion, a doubtful policy; and he, therefore, moved to omit the whole paragraph from line 30 to line 39, inclusive.

MR. HERSCHELL was quite of opinion that the portion of the clause referred to by the hon. and learned Member for Stockport (Mr. Hopwood) was unnecessary, so far as it applied to the United Kingdom. He was not aware, however, whether it was equally unnecessary as applied to India.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) thought that the clause should remain without alteration.

Amendment negatived.

MR. PARNELL moved the insertion after the word "India," in page 90, line 5, of the words—

"Or in any colonial court of superior jurisdiction provided that the matter complained of occurred within the jurisdiction of such court."

Amendment agreed to.

Clause, as amended, *agreed to.*

Miscellaneous.

Clause 162 (Exercise of power vested in holder of military office).

SIR ALEXANDER GORDON inquired the reason for the insertion of this clause?

COLONEL STANLEY said, the reason for the insertion of the clause was to prevent any legal difficulty arising with regard to the custom of the Service.

Clause agreed to.

Clause 163 (Provisions as to warrants and orders of military authorities) *agreed to.*

Clause 164 (Furlough in case of sickness) *agreed to.*

Clause 165 (Licences of canteens) *agreed to.*

House resumed.

Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

M O T I O N S.

MINISTER OF COMMERCE AND AGRICULTURE.—RESOLUTION.

MR. SAMPSON LLOYD, in rising to move—

"That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet,"

said, it was a matter of surprise that in this, the greatest, or nearly the greatest commercial country in the world, there existed no Department specially charged with watching over and, where neces-

sary, protecting the manifold interests of Commerce and Agriculture. Hence, under the present state of things, taxes had been imposed, modified, or removed, the monetary system changed, Acts of Colonial Legislatures hostile to the commerce of this country sanctioned, laws affecting the vital interest of trade had been passed, and Treaties concluded without passing under the review of any Minister or Department specially charged with the general interests of Commerce. He might say something similar with regard to Agriculture; but if, on the present occasion, he did not speak of that great and important branch of the subject, it was not because he did not feel as deep an interest in that industry, or as keen a sympathy with it in its present depression, as any hon. Member representing an agricultural constituency, but simply because it would be dealt with by his hon. Friend the Member for Linlithgow (Mr. M'Lagan). The question he wished to submit was this—was it desirable that such consideration as he had suggested should be devoted to commerce and agriculture, and from time to time such inquiries instituted and measures initiated as might appear calculated to promote them, by some competent Department of the Government, under the presidency of a capable Minister? He was one of those who thought that it was desirable—first, having regard to the great magnitude of the interests involved; second, the successful example of other nations who had tried it; and, third, the widely-spread belief among the commercial classes that the existing machinery of the Executive Government was not very well adapted for the accomplishment of these objects. This belief was supported by valid reasons. These two great interests—commerce and agriculture—constituted the basis of the power on which the State rested. As to the magnitude of their interests, they had a full discussion last Friday as to agriculture; but there was surely no man in or out of the House who doubted the enormous importance of those interests. The import and export trade of this country annually exceeded £600,000,000; whilst as to the amount embarked in agriculture, he could hardly venture to say what it amounted to, but it was some hundreds of millions sterling. In foreign countries—in France, Germany, Austria-Hun-

gary, and Italy, and nearly every important civilized State, the interests of agriculture and commerce were watched over by persons whose position was equivalent to that of a Member of the Cabinet; and in the United States there was a separate Department charged with the supervision of agriculture. What was now asked for England was nothing new. It was but the re-establishment, to meet modern wants, of what was as old as the time of Cromwell, who saw the necessity for a Minister of Commerce, and established a great Council, which watched over all the interests of trade and commerce, and it was continued during the reign of Charles II.; but in 1783, in the reign of George III., a less satisfactory Board of Trade was organized for the consideration of all matters relating to trade. He had no doubt that the expression of a desire by an influential part of the agricultural population in this country for the appointment of a Minister would produce good results, especially if that desire was considered in connection with the expression of views which had come to this country from the United States of America. No one who considered the constitution of the present Board of Trade could doubt the necessity of a more complete supervision of the existing arrangements, instead of the isolated and anomalous supervision which already obtained; and this could only be properly achieved by the appointment of a Minister of Agriculture and Commerce, instead of attempting to patch up the system which had been considered sufficient in the days of our forefathers. It might be said by some that the trade and commerce of the country had prospered under the existing system, and that it was better to leave well alone; but no one who looked dispassionately at the present condition of the trade of the country could say that it was doing well. Statistics had shown that British and Irish products had very greatly declined of late years; that the number of insolvencies had increased from 11,000 in 1877 to 18,000 in 1878, with an estimated loss to creditors of £29,000,000 in one year. Many of their mills and factories were silent, many of their ships were laid up; and it was clear that, far from doing well, they were in urgent need of every possible help and facility and the removal of every impedi-

ment before they could hope to hold their own with the other nations of Europe. There were many grounds on which could be based the statement that the present system was a failure. Would a Minister of Commerce, he asked, ever have allowed Indian cotton duties to be imposed, and then, after the creation of extensive interests, to be repealed? If we had a Minister of Commerce, should we pass Session after Session without being able to concentrate attention upon such important subjects relating to commerce as the reform of our Patent Laws and the Law of Partnership? He had sat in the House for six Sessions, and yet he had never heard the question of bankruptcy reform discussed—a question of no mean interest, as it involved the economical administration of enormous sums each year. Had we had an able Minister of Commerce to consult with a Minister of Justice, the Bankruptcy Laws would have been altered long ago. Again, with a Minister of Commerce, we might have secured a Treaty on fair terms with Brazil at the time when we thought right to reduce the duties on coffee, and to abolish those upon sugar. He thought that we should not now be witnessing a movement for an increase in the hours of factory labour, had we possessed at the time when the Factory Laws were under consideration a thoroughly good Minister of Commerce, who could have been consulted as to the legislation required. The class of objectors to his views said that the commercial and agricultural classes were the best judges of their own interests, and that they should accordingly be left alone. Well, if the acme of wisdom was to leave things alone, why should the Government ever interfere with any state of things? The interests of commerce and agriculture were too great to be left alone. Properly to arrange their affairs the classes to which he alluded required the careful and vigilant exercise of Government influence to secure them the information which it was imperatively necessary they should be in possession of, and which could only be obtained and rendered clearly and promptly valuable by means of a well-organized staff, under a responsible head. There was yet another reason why commerce and agriculture could not be left to themselves. Those who were engaged in them were too busy to give the attention

which the importance of the subjects demanded to changes in our own laws and the action of foreign Powers. Parliament never dealt with any of the great questions affecting commerce and agriculture in any but a spasmodic matter. Now and then the cries of some distressed or aggrieved interest were loud enough to demand attention, and a Select Committee was appointed. The Committee incubated and published a Report, which was thrown into the waste paper basket as soon as read, and no one was very much the better for the publication except, perhaps, the student of political and social knowledge. They had such a Committee this Session—the Sugar Industries Committee—of which he had the honour to be a Member. That was nothing but a post-mortem investigation into the causes of the death of a once flourishing industry. What, he asked, would become of the Army and Navy, and the Law, if their interests were not harmoniously combined under one well-organized staff and responsible Chief? He respectfully claimed for the earning interests of the State that they should also receive the benefits accruing from being under an organized Department. It was said to those who shared his opinions—"Settle your policy first; we will then talk to you about the rest." To that he replied, that there could never be a distinct and definite commercial policy in England until they had a Minister of Commerce to give them one. It was also objected that there were Ministers enough already. But, surely, if the affairs of the Duchy of Lancaster required the care of a Cabinet Minister, and if room could be found in the Cabinet for the Keeper of the Privy Seal, he did not think there should be any insuperable difficulty about finding room among Her Majesty's Ministers for a Minister of Commerce and Agriculture. The question which he was bringing to the notice of the House was in no sense a Party question. He hoped that hon. Members who were willing to devote so much of their time to the interests of foreign nations—the woes of the Bulgarians, for instance, and the interests of the Greeks—would not grudge a little attention to the demands of the agricultural and commercial classes. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Mr. Sampson Lloyd

Mr. McLAGAN, in seconding the Resolution, said, he wished to address the House especially in the interests of agriculture, and as to the necessity of having a Minister who should exercise a general superintendence over all the branches of the subject. To show the anomalies of the present state of things, he might observe that if any hon. Member should wish to elicit any information about drainage he would have, perhaps to his surprise, to resort to the right hon. Gentleman to whom was intrusted the management of crime and the police. If information was required about cattle disease, information had to be sought from the Minister who watched over the interests of education. If an hon. Member should want certain agricultural statistics, he would find himself referred to a Department which was mainly connected with ships and railways. If he wished to put a question about roads, bridges, and highways, he would, perhaps, be surprised to hear that the President of the Local Government Board, to whose care was committed the interests of paupers, was the proper person to inquire of about roads. It would be in the recollection of the House that about three years ago, when a very important measure relating to the interests of agriculturists—namely, the Agricultural Holdings Act—was discussed, it was carried through the House under the charge of the First Lord of the Admiralty. Now, they had probably all heard of "horse marines" in connection with that Department; but he imagined that very few of them had ever heard of an experimental farm being carried on on the deck of a man-of-war. At present, the affairs of agriculture were distributed over so many Governmental Departments, that it was impossible to get the information they wanted without a great deal of inconvenience and the waste of a great deal of time. Now, he and others who supported this Motion were anxious to have all these matters concentrated in one Department, so that as little time might be lost as possible in dealing with them. It had often been maintained, as a reason for upholding the existence of the Privy Seal Office, that if any Department of the State was overburdened with business, a part of it could be undertaken by the Lord Privy Seal, who was to be a kind of Betsy Baker, or maid-of-all-work. So was it

with agriculture. Agriculture seemed to be the business of every Member of the Government, and, as was always the case when a thing was everybody's business, it too frequently proved to be nobody's business. The work was very badly done at present, and they always found that anything connected with agriculture was invariably left lagging behind. They had still further objections to that distribution of business. The Home Secretary, the Vice President of the Privy Council, the President of the Board of Trade, and the President of the Local Government Board, had all of them sufficient work, and, in fact, more than sufficient work to do in their own Departments; and yet those were the gentlemen who were intrusted with the supervision of the interests of agriculture in all its different departments. They treated them as matters merely of extraneous growth upon their own Departments, and it was natural, under these circumstances, that mishaps should occur sometimes. He remembered a very absurd mistake occurring when the cattle plague first broke out in this country. The Orders from the Privy Council Office were showered all over the country. Every clerk of the peace got parcels of these Orders, with instructions to post them up at every police office in their district. Well, he knew a clerk of the peace in Scotland who received one of these parcels, and who found in it not the Orders of the Privy Council, but a great many copies of a form of thanksgiving by the Archbishop of Canterbury, to be used in all the churches on account of the grand harvest that had just been gathered in. That was quite a natural mistake to make, because the business of religion and the arrangements with regard to the cattle plague were carried on in the same Office. He was certain nobody could contradict what he had said as to the awkwardness and inconvenience of having these agricultural matters distributed over so many Departments; but he might be asked what he wanted to be done? Well, he wanted them all to be grouped into one Department and placed under one head. They might call that head the Minister of Commerce and Agriculture, or anything they pleased; but there should be one recognized authority who should have the responsibility of answering in that House Questions connected with agriculture and commerce. He did not ask for such paternal government as they had in France, and he did not wish the new Minister to do all that the Minister of Agriculture did in that country; because he (Mr. M'Lagan) was inclined to leave a great deal to individual and local action. He would rather like him to follow the example, to a great extent, of the gentleman who was called the Commissioner of Agriculture in the United States—namely, that he should, from time to time, issue Reports on the agriculture of foreign countries; that he should call the attention of landholders to new schemes, new manures, new practices, and new kinds of machinery. The function of a Minister for Agriculture should be not to be led by the public, but to lead the public, and not to lag behind the farmers. He should also be called upon to collect that valuable information which was at present stored up in Blue Books, and which was compiled from Consular Reports, and Reports from Ambassadors in foreign countries. It might be said that that could be done well enough by the present machinery. Well, if it could be done well enough by the present machinery, why did not the gentlemen in charge of that machinery do it? He maintained that it could not be done, and for the simple reason that the heads of other Departments had not the time to devote to agricultural concerns. They might ask, again, what did he propose? He would reply that he was not going to propose any new, great, or extensive changes. He wished to read what was stated to the House some years ago by the right hon. Gentleman the Member for Birmingham (Mr. Bright), when that right hon. Gentleman was President of the Board of Trade. The right hon. Gentleman stated, in 1869, that there were six Departments in the Board of Trade, and that the heads of these Departments numbered no fewer than 57. The Commercial Department was under 11 heads, the Railway Department under seven, the Harbour Department under seven, the Marine Department under 21, the Financial Department under 10, and the Statistical Department under one. All the officials in that Office were of opinion that some Departments might be taken from the Board of Trade to the Home

Office, and from the Home Office to the Board of Trade. That was the opinion of the right hon. Gentleman the Member for Birmingham; and all that he (Mr. M'Lagan) wanted, was that there should be an organization of the Departments. It was evident that, at that time, the Home Secretary of the day and the President of the Board of Trade had found out that so absurdly incongruous were the duties they had to perform that it was necessary to make some change or other; and they, therefore, proposed these changes from one Department to the other. Well, 10 years had passed since then, and he was not aware that any change had taken place. But, surely, if it was necessary then, it was still more necessary now. There ought to be something done. He proposed that something should be taken from the Board of Trade; that something should be taken from the Privy Council; that something should be taken from the Local Government Board; and that something should be taken from the Woods and Forests—the latter was a most important Department connected with agriculture—and that all these should be incorporated with the Inclosure Commissioners. Let the latter be the nucleus around which these other things should be placed, and then appoint a Cabinet Minister to preside over the whole. He was satisfied that agricultural affairs would be more easily and satisfactorily managed if collected into one group like that, than if scattered, as they were now, over the different Departments. That need not be an expensive operation, and need not cost more than at the present time. Those Departments to which he had referred cost about £58,000 at the present time, and it need cost nothing more under the arrangement he had suggested, because the same permanent officers would be kept on. In conclusion, he would only say how advantageous it would be at the present time if they had had a Minister of Agriculture, seeing that they were about to appoint an Inquiry of the greatest importance to agriculture, where that Minister could have been of so much use to the Commissioners in collecting and forwarding evidence, and also in giving his own valuable opinion. He begged to second the Resolution of his hon. Friend, which he hoped would be accepted by Her Majesty's Government.

Mr. M'Lagan

Motion made, and Question proposed,

"That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department, under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet."—(*Mr. Sampson Lloyd.*)

MR. NEWDEGATE said, that the state of the House at that moment was in itself an emphatic commentary upon the question raised by the Motion of the hon. Member for Plymouth (Mr. Sampson Lloyd). No one could say that at present, or from the commencement of the debate, the House was not unbecomingly thin. He was not much surprised at its thinness, for hon. Members were exhausted by struggling with the disgraceful trivialities, by the mischievously exaggerated attention to the mere detail of measures, by which their time had been occupied. While hearing the able statement of his hon. Friend, he asked himself, whence was all this confusion of Departments in relation to agricultural and commercial affairs? The reason seemed to be, that the Departments had lost what was once at their head. Ten or 15 years ago the House would not have entertained such a proposal as that which was now before it. The House would have considered, and considered rightly, that the proposal involved an invasion of its functions. When he first entered Parliament, and for years afterwards, the real head of the Public Departments was the House of Commons itself. Within the House there were two great and efficiently organized Parties. There was also a large number of thoroughly efficient independent Members. The House did not spend hour after hour, day after day, week after week, and month after month in the consideration and reconsideration of the details of every measure that came before it; but devoted itself mainly to the consideration of great questions, such as that which his hon. Friend now proposed should be devolved upon the Departments. The present state of things had suggested to him grave reflections. He did not say that his hon. Friend had not a case. The fact was, that he had only too good a case; and the few hon. Members who recollected, as he (Mr. Newdegate) did, the efficiency of the unreformed Parliaments, in which they had sat, would feel

with him that it was the confusion, which had overtaken the House itself, that constituted the strength of the case which his hon. Friend had presented. He had heard proposals of this sort made before, and they had been indignantly rejected by the House. Why? Because the House of Commons then utilized the Departments as subordinate to itself; and he feared that the inference to be drawn from the proposal of his hon. Friend was, that the House might hereafter find itself, instead of controlling them, dependent upon those Departments. As an old Member of the House, then, he ventured to warn hon. Members that they must be prepared to consider a change in the character and position of the House—if it could not control its own conduct and action—to limit the subjects to which it would confine its exertions, and avoid neglecting the great interests of this country, which ought to be considered as paramount to the mass of detail which he was sorry to see from day to day occupying the attention of the House. He spoke plainly upon this subject; but, far from deprecating the Motion of his hon. Friend, he most sincerely believed that, if the House wished to do its duty to the country, it must institute some organization in the Departments; but this could be safely done only on the supposition that this House would organize itself. These were matters for grave consideration. He (Mr. Newdegate) was quite certain that no commercial man would read the speech of the hon. Member for Plymouth to-morrow without feeling that, having been from the first a promoter of Chambers of Commerce in this country, and having year after year presided over those bodies, the hon. Member had manifested a knowledge of his subject in its relation to commerce, an ability and a power of organization, which entitled what he said to a weight and an influence that could scarcely attach to any other unofficial Member of the House. He (Mr. Newdegate) was himself inclined, however, to differ from his hon. Friend on one point. He did not think it would be advantageous to combine in one Department the supervision of the interests of agriculture and commerce too closely. This would render the task so onerous as to produce confusion. He believed there was room, and ample room, for two heads of Departments, who should take charge of

the interests of agriculture and commerce respectively. They would be associated with the Administration of the day; their action would be thus combined. Their duties might be carried on side by side; but he was of opinion that the interests of agriculture were extensive and important enough to require the appointment of some official to represent them. Nothing better could be hoped than that some official might be appointed, as able as was the late Mr. Arthur Young, who in his time rendered such eminent and lasting services to the agriculture of this country. He (Mr. Newdegate) was reading only the other day the evidence and the information which Mr. Arthur Young produced in 1814 before the Select Committee on the Corn Trade, and, in doing so, he could not help feeling that his hon. Friend the Member for Plymouth had one branch of his case proved some 60 years ago. In fact, he had never yet been able to understand why the Department over which Mr. Arthur Young so ably presided had been abolished; he thought that it ought to be renewed. But if the supervision of agriculture which existed in Mr. Arthur Young's days was sufficient to occupy him, his presumption was that it would be better to have distinct Departments, though without absolute separation, for agriculture and commerce. With respect to the interests of commerce, this Motion was in itself a proof that the doctrine of what had been termed that of "*laissez faire*"—the doctrine which prevailed in the year 1846, and for some years afterwards until the year 1861, when the French Treaty was concluded—had completely passed away. He thought, then, that his hon. Friend had done eminent service—a service which his antecedents had admirably qualified him to perform—by bringing this subject before the House. He hoped that hon. Members would forgive him (Mr. Newdegate) for having pointed out that the House had lapsed from the functions which it had formerly discharged. His hope was that the history of the present Parliament would induce the next House of Commons to practise more self-control, insist upon more organization, and insist that the spirit of the Rules and Orders by which its authority was maintained should be respected.

MR. W. E. FORSTER said, that the hon. Member for North Warwickshi

Office, and from the Home Office to the Board of Trade. That was the opinion of the right hon. Gentleman the Member for Birmingham; and all that he (Mr. M'Lagan) wanted, was that there should be an organization of the Departments. It was evident that, at that time, the Home Secretary of the day and the President of the Board of Trade had found out that so absurdly incongruous were the duties they had to perform that it was necessary to make some change or other; and they, therefore, proposed these changes from one Department to the other. Well, 10 years had passed since then, and he was not aware that any change had taken place. But, surely, if it was necessary then, it was still more necessary now. There ought to be something done. He proposed that something should be taken from the Board of Trade; that something should be taken from the Privy Council; that something should be taken from the Local Government Board; and that something should be taken from the Woods and Forests—the latter was a most important Department connected with agriculture—and that all these should be incorporated with the Inclosure Commissioners. Let the latter be the nucleus around which these other things should be placed, and then appoint a Cabinet Minister to preside over the whole. He was satisfied that agricultural affairs would be more easily and satisfactorily managed if collected into one group like that, than if scattered, as they were now, over the different Departments. That need not be an expensive operation, and need not cost more than at the present time. Those Departments to which he had referred cost about £58,000 at the present time, and it need cost nothing more under the arrangement he had suggested, because the same permanent officers would be kept on. In conclusion, he would only say how advantageous it would be at the present time if they had had a Minister of Agriculture, seeing that they were about to appoint an Inquiry of the greatest importance to agriculture, where that Minister could have been of so much use to the Commissioners in collecting and forwarding evidence, and also in giving his own valuable opinion. He begged to second the Resolution of his hon. Friend, which he hoped would be accepted by Her Majesty's Government.

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first was furnished by the very strong feeling which existed among the commercial classes throughout the country that they ought to be represented; and the second was the advantage he felt sure would arise from having commerce and agriculture connected. What he meant was that there should be one Minister at the head of the two Departments, and a Minister of high position. The appointment of such a Minister would be advantageous both to commerce and to agriculture. That was the conclusion to which he had come, believing that both the commercial and agricultural interests ought to be represented in the Executive Government.

Mr. MARK STEWART said, he did not rise to detain the House for any length of time; he merely wished to mention a few points which he thought would tell strongly in favour of the appointment of a Minister who should have the care of commerce and agriculture as his special business. The hon. Member for North Warwickshire (Mr. Newdegate), in the course of his observations, expressed his regret at the present depressed state of agriculture throughout the country, and he was glad to see that there was now a larger attendance in the House than there was some short time since, although he was sorry hon. Members were not present in large numbers to hear the very able and valuable remarks of the Mover of the Resolution. The hon. Member laid the question before the House in various aspects, and treated it with the utmost impartiality, both with reference to commerce and agriculture. With reference to the suggestion that the Minister could attend to both subjects there could be no doubt; and to the agriculturists the result of this rearrangement would be, that they would be placed in possession of more reliable information and more reliable statistics. They had at the present time statistics furnished to the House; but they were of the most imperfect character, and little reliance could be placed in them. In fact, a great many farmers almost ignored the papers that were sent them; but if they felt that the information they received was accurate, they would be prepared themselves to give better information. Then there was the point, that if a Minister was appointed these returns would not only be more reliable, but they would be tabulated so as to

make them readable and intelligible to the public generally. No doubt in these records very valuable information was given; but owing to the number of Blue Books in which it was contained, and the short time people had for reading them, the information was lost, and people were left in ignorance of the real facts. Take, for instance, a year like the present. He believed a Minister would be able to tell them what they could best do with their produce. He could tell them what was likely to be the yield of corn, with some degree of accuracy, in America, in Egypt, on the Continent of Europe, and in India, and that would enable the farmer to do better than he could now with his land. Then, again, there was the production of cheese; and if they knew what was likely to come from abroad he was sure, speaking as one who lived in a country where that was a particular product, very much better results would be achieved. Considering that so many were interested in this industry, he could not conceive anything more valuable to it than a Department of Agriculture from which the best information could be obtained as to the probable yield from other countries. Again, they wanted to know how so much wool was leaving this country for Germany, instead of being manufactured here. They also wanted to know something more about the probable importation of cattle from America, which, they understood, had almost an inexhaustible supply; and unless they had a Department specially charged with these matters, it was impossible to obtain accurate information on behalf of a class who were interested to the extent of hundreds of millions in the soil of the country.

Mr. MUNDELLA thought a change of system was necessitated by the vast and rapid growth of the commerce of the country. Our exports and imports amounted, in the aggregate, to about £600,000,000 a-year, and the value of our agricultural produce was about £300,000,000 a-year; and interests to the extent of £900,000,000 a-year were surely of sufficient importance to command the best abilities of the finest statesman who could be brought to take charge of them. As matters at present stood, we knew little or nothing about the resources of other countries, or of the changes which were effected in America with regard to pasturage and the trans-

(Mr. Newdegate) had addressed them on a subject which was being brought under their notice day by day—namely, the manner in which that House could best conduct its Business. He did not say that the remarks of the hon. Member were not deserving of consideration; but they did not concern the question under discussion, which was not how the House should conduct its Business, but how the Executive should conduct its Business. He entirely agreed with the hon. Member for North Warwickshire, that the question had been brought before the House with great ability by the hon. Member for Plymouth (Mr. Sampson Lloyd), who spoke with the confidence which his position of President of the Association of Chambers of Commerce in the United Kingdom entitled him to assume. Having been President of these Chambers for many years, he must be taken to represent their views on this subject. The hon. Member who had followed him had also addressed the House in a speech of great ability and weight. Those hon. Members had based their proposal upon two grounds—the one theoretical, and the other practical. As far as the theoretical ground was concerned, he did not think that anyone called upon to re-constitute the Government would retain the present system, which was, undoubtedly, a clumsy one. When he was Vice President of the Council he found that, in addition to education, he had to concern himself with cattle disease, though he himself could trace no connection between the two branches of Government; but then he received some compensation in finding that certain matters relating to education fell within the limits of another Department. The pauper schools were intrusted to the Poor Law Board, and the reformatory schools to the Home Office. There was, in fact, a very curious arrangement. But we had anomalies all through our system, and it was one of our great causes of pride that we managed to have good government in spite of them. But there were practical evils arising from this arrangement. On this ground he had become, though rather slowly, a convert to the proposals of his hon. Friend. Some years ago he had served as Chairman of a Committee appointed to consider the relations between the Board of Trade and the Foreign Office with regard to Commercial Treaties. That Committee reported to

the effect that it was not desirable to have two Offices attending to this matter, but that it would be better to establish a Commercial Department in the Foreign Office. This was subsequently done; but he was obliged to acknowledge that he did not think the system had been successful, though a great deal was to be said for it in theory. The general political business of the Foreign Office was necessarily so absorbing that the Commercial Department almost of necessity fell into disregard. As far as commercial interests were concerned, it would be better if they possessed some champion in the Cabinet. But these remarks did not apply to the Foreign Office alone. Many important questions affecting our commerce arose, for instance, in our relations to the Colonies. The question of the Canadian Treaty was a recent instance. It would be advantageous if the commercial interests of the country felt that they had a Member of the Cabinet to whom they could go, and whose business it was to attend to their representations. Again, the Chancellor of the Exchequer was obliged, in raising the Revenue, to consider the indirect effect of the taxes upon our commercial interests. That was another case in which great benefit might arise from having those interests represented in the Cabinet. Exactly the same kind of argument applied to India. Looking at the matter from another point of view, he thought it would be an immense convenience to the Government itself to have a fresh arrangement of the duties assigned to the different Departments. There was plenty of direct work which could be given to a Minister of Commerce and Agriculture. The Home Department at present was tremendously overworked, and a good deal of its work might very properly be given to the new Minister. The patent laws were at present in the hands of the Attorney General; but it would be better if patent law reform were brought forward by a Minister of Commerce. The same remark applied to the question of bankruptcy, with reference to which an important measure was at present before Parliament. He was aware that it was much easier to talk about such a fresh arrangement than to carry it into effect; but he put it to the Government to consider whether it would not be advantageous. There were two other arguments which deserved attention. The

Mr. W. E. Forster

culture had taken so large a development? He must remind the hon. Member that in the days of Arthur Young there were no such societies as existed now. Similarly, with regard to commerce. The great development of such bodies as the Association which his hon. Friend (Mr. Sampson Lloyd) represented, and the great services they had rendered, had done a great deal to develop commerce and give it the great extension which it had. It was said that there ought to be assistance given by the State to commerce and agriculture. With that he entirely agreed. There were, no doubt, many functions which the State ought to exercise, and did now exercise, with regard to commerce and agriculture; and he was far from saying that those functions were exercised in the best possible manner, or that no improvement could be effected in their administration. But the particular proposal of his hon. Friend was that they should be collected together and administered by a distinct Department under a Secretary of State, who should be a Member of the Cabinet. What were the duties to be put together under this new Department? There was the administration of roads, questions of agricultural holdings, factory labour, foreign tariffs and Treaties, duties to be imposed in India and the Colonies, cattle diseases, new inventions, statistics—whether general, or confined to commerce and agriculture had not been specified—banking, patents, enclosures, and he presumed it was intended to retain the functions which belonged to the present Board of Trade, and that the new department would look after railways, weights and measures, and copyright. To these things from foreign countries were added technical education, museums, and other subjects of that kind. He ventured to say, if they were to constitute a Department to deal with all these questions they would soon find it overburdened, and that they would not get out of their difficulty without getting into others quite as great. The whole question of the re-organization of the Civil Service was raised by this Motion. As to the question of statistics, it was very desirable that whoever was connected with that Department should be well acquainted with the principles of statistical science. Such a Minister would have to be responsible for all statistics respecting education, crime,

population, and many other questions, which would involve great difficulty whenever any scheme of re-organization was considered. He quite agreed that they ought, as much as possible, to endeavour so to adjust their business as to make the Department as nearly as possible symmetrical, and to bring the cognate subjects together. The matter, however, was something like re-arranging a library; they might adopt any system of classification, and still find that they had some incongruities—such as the Education Department and the control of the regulations of cattle diseases under one Minister. In reference to the remarks of the right hon. Gentleman (Mr. W. E. Forster) on this subject, he would point out that it was only by an accident that these two functions happened to be under the control of one Office. The right hon. Gentleman was not the Education Minister, but the Vice President of the Privy Council, and the Privy Council was a body which had charge of many different kinds of work. In that Department the real business was done by several permanent officials, who had practical knowledge, and were in charge of the different branches of the business which came under the general head of the affairs attached to the Privy Council Office. The President of the Council was responsible for the general conduct of the business of his Department; but the business in the various branches was entirely independent the one from the other. He thought there was much to be said in favour of reforming the present system, especially as far as communications in relation to commercial matters with foreign countries were concerned; but, at the same time, it must not be forgotten that communications of the kind lost much of their weight unless they were made by the Secretary of State for Foreign Affairs. At the same time, he thought there were strong grounds in favour of making the Board of Trade the vehicle of communication between the Foreign Office and foreign countries on matters of this kind, leaving the Foreign Office responsible for whatever might be done. The Motion of his hon. Friend referred only to agriculture and commerce; but he presumed there would be an equally strong reason for dealing with other great interests, and to cover the whole ground would necessitate the construc-

port of thousands of acres of grain. From his own experience, he was astonished at the amount of information on agriculture which was available, but which never came under the notice of the agricultural classes at all. The reason of this was that there was no one to procure the facts; for, although commercial reports were sent home by our Consuls, it was like picking a grain of wheat out of a bushel of chaff to get from them the information which was required, not because of any want of zeal or intelligence on the part of the authors, but because they did not receive the necessary instructions as to what it was desirable they should furnish. Too often legislation was opposed to the development of manufactures and commerce. There was the patent law, which might be described as a law for the discouragement of inventions, and yet it remained unaltered because there was no one in the Cabinet to press the matter forward, and there were no means of bringing the question, from a commercial point of view, under the consideration of the Government. The same remark applied to the amendment of the bankruptcy laws. The Americans knew what they wanted, and what they were at; but we seemed to be entirely ignorant. If we only had concentrated responsibility in the hands of one Minister, we could obtain all we wanted. Believing that if effect were given to such a proposal as that before the House it would result in great benefit to the country, he should give it his cordial support.

SIR GEORGE BOWYER thought it was a very curious fact that there should be a Minister of Commerce in every country in Europe except England, which was the most commercial of all. We were dependent on the prosperity of commerce and manufactures. He entirely concurred with his right hon. Friend the Member for Bradford (Mr. W. E. Forster) in the opinion that it was a mistake to suppose that agriculture and commerce were antagonistic. The fact was, the two were correlative. Ministers had to attend to that House and to their correspondence. He believed it was utterly impossible for them to discharge the duties which were allotted to them, and that was an additional reason for creating a separate Department for commerce and agriculture. In fact, he thought the time was not far distant

when a second Colonial Minister would have to be nominated.

THE CHANCELLOR OF THE EXCHEQUER assured his hon. Friend the Member for Plymouth (Mr. Sampson Lloyd) that he, in common with the rest of the House, had listened with great pleasure to his statement. Nothing could be clearer or more business-like. And he must frankly own that many of the arguments which his hon. Friend adduced appeared to be well worthy of careful consideration. At the same time, he must also say that the difficulties which had in former days suggested themselves to him when he had considered this matter had by no means been removed by the discussion which had been held. While he sympathized with the main object, at all events, which his hon. Friend and others had in view, he was by no means sure that his hon. Friend had suggested the right remedy for the difficulties in which we found ourselves. He admitted it might appear strange that in most European Governments they found there was a Minister bearing the title of Minister of Commerce; while in this, the greatest commercial country in the world, they did not find a Minister with a similar designation. He thought there was some reason for supposing that the commercial greatness of this country was owing not a little to its being without too much State protection; and that private enterprise, which had been developed under our system, had had a great deal to do with the greatness which we had confessedly attained. He did not say that it was not right that the Government should provide those facilities which commerce required, or that Government had no duties to discharge towards the great commercial and agricultural interests of this country. He hoped, in whatever they might do, they might not be led into the grave error of substituting Government management and protection for those great institutions by which the trading interests of the country managed to carry on their own business. He thought it was the hon. Member for North Warwickshire (Mr. Newdegate) who spoke on the Board of Agriculture in the days of Arthur Young. The hon. Member said that if it was desirable to have a Board in those days fully engaged in attending to the concerns of agriculture, how much more was a Board wanted in the present time, when agri-

Mr. Mundella

regular or systematic manner. There were Returns in 1850, moved for by Mr. Pilkington; another Return in 1859, moved for by Mr. Baines; and another in 1862; but not two of these Returns were alike. Oneman took up a particular idea as to the information to be given; the succeeding Return was probably on a different basis; and the consequence was that, for purposes of comparison, these Returns were almost useless. Now, if we had a Minister of Commerce, he ventured to say he would have tabulated, year after year, a mass of valuable information with regard to our own country; and not only so, but we should have definite information with regard to the progress of other countries. At the present moment it appeared to him that every Department of the Executive was overwrought; and he thought it most desirable that those Departments should have their labours lightened by having a Minister of Commerce and Agriculture, to whom should be referred questions peculiar to his Office. He did not think there would be any great difficulty in defining what the duties of the Office should be. He did not see the difficulties that presented themselves to the Chancellor of the Exchequer; because he did not think it necessary that they should deal with questions outside of those connected with commerce and agriculture.

Mr. GILES, in supporting the Motion, remarked, that the very important subject to which it related well deserved the attention of the House and the Government. He saw considerable difficulty in the working out of the arrangement, and that difficulty would be somewhat increased by what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, the difficulty being in the appointment of only one Minister for Commerce and Agriculture, not because their interests were antagonistic, but because there would be work enough for two Ministers. They had been called a nation of shopkeepers, and they felt they had nobody to mind the shop. They asked the Government, in the face of lessening returns, and profits "small by degrees and beautifully less," to give them a Minister whose special province it should be to preside over the interests of commerce and agriculture, represented by an annual turnover of something like £1,000,000,000.

Mr. JAMES STEWART said, the hon. Member who had brought this

question forward deserved the thanks of the House. The difficulties had been pointed out which would accrue in regard to the organization of the Department; but he thought the present way in which the commercial affairs of the nation were looked after was not one to give us the advantages which we might properly derive from information on the statistics and operations in trade of other countries. The Foreign Office was the medium by which all commercial transactions between this country and other countries were carried on; and we had only to look at the state of things during last year, when the Eastern Question was so much under the consideration of the Foreign Office, to see that it was impossible, if a matter of commercial importance came before the Office, to expect that it would receive the attention to which it was entitled. He ventured to say that the question with regard to the bounties on sugar was at that moment in a critical position; and that the possibility of an arrangement satisfactory to the interests of the country was within, he might say, the reach of the Government. To nothing but the superior excitement which Eastern questions and Berlin Treaties produced could he attribute the fact that that question was allowed to get into the condition in which it now stood. He did not wish to impute any blame to the noble Marquess at the head of the Foreign Office; but he did think it was only human nature to expect that, in the midst of the excitements of Berlin Treaties and matters of that kind, the prosaic and dull interests of questions such as the bounties on sugar were likely to be overlooked. Now, he thought, and it was unquestionable, that any Minister of Commerce appointed would require to work in conjunction with the Foreign Office; and he should like to point out an instance in which he thought it was perfectly clear that the interests of this country would not have been so advantageously promoted had the negotiations been left entirely to the Foreign Office—namely, when the Commercial Treaty with France was negotiated. At the time, Lord Cowley was Ambassador at Paris; and if he had not been a man of more than ordinary common sense he would have been jealous of the interference of that distinguished man who went to negotiate the Treaty with France, Mr. Cobden. If he had attempted to carry out that negotiation

tion of a very extensive Department, which would absorb a great deal of the internal business of the country, and would, he feared, find itself overloaded with work. It was, no doubt, a great temptation to Ministers to throw some of their work on some other Department; but if this new Office were set up, all the other administrative Offices would be thrown out of gear. The Government, at present, did everything in its power to facilitate all the great industrial interests of the country. He was sorry to oppose the Motion of his hon. Friend, because he admitted that the present arrangements fell short of what they might be expected to do. His hon. Friend's proposal could not be expected to remain where he left it. The Department would not only have to take charge of commerce and agriculture, but it would have to assume control over mines, manufactures, railways, and shipping, and, he must say, he was not prepared to enter upon so large an undertaking. Communications were now going on between himself and his noble Friend the Secretary of State for Foreign Affairs, and he hoped they would result in arrangements which would facilitate agricultural and commercial operations. He should be glad to take advantage of the discussion that had occurred; and hoped the Government, in their consideration of the arrangements that might be made for improving the Departments in question, would not be hampered by a vote of the House binding them to a particular course. He could not himself be a party to such a vote; and trusted that his hon. Friend would not think it necessary to place such a vote upon the Records of Parliament. If the hon. Member would be content with the assurance that he had given him—namely, that the Government were alive to the importance of the subject, and prepared to consider any practical measures for the better development of this part of the Business of the Government—he could again promise him that the question should receive every consideration. If, however, the Motion should be pressed to a vote, it would not be in the power of the Government to accept it.

MR. W. HOLMS said, it was most desirable, in connection with the making of Commercial Treaties, that there should be a Minister of Commerce. In 1846, when England inaugurated a Free Trade policy, we were in the hope that other

countries would follow our example. France did so in 1860. He, however, regretted to say that since that time there had been no advance—in fact, we were retrograding. We had to fight with hostile tariffs, not only of other countries, but of our own Colonies; and, therefore, it was most desirable that, in negotiating Commercial Treaties, we should have a Minister of Commerce and Agriculture. Last year, for instance, in negotiating a Treaty with France, we sent a Commission to Paris. There were selected a Member of the Foreign Office, a Member of the Indian Office, and an hon. Member of this House; but after these Representatives had met the French Commission and talked the matter over—but without succeeding in their mission—their duties came to an end, and, so far as he knew, we had no one to look after our interests in connection with the proposed French Treaty. In 1851, England, undoubtedly, occupied the first place as a manufacturing nation; but since then other countries had made rapid progress. We had not stood still, we had progressed; but, relatively, our position was not now so much in advance of other countries as it was in 1851. Of late years our exports of worsted goods had been steadily declining; but our imports had been increasing to a very large extent. Of the wool received from Australia and elsewhere, a larger proportion year after year was being sent to the Continent, and a smaller proportion was being worked up in this country. It was extremely desirable that we should have a Minister of Commerce to look into these matters and inquire into the cause of the changes which had taken place in some of our leading industries. Other countries were paying great attention to technical education; and the schools in which this kind of education was imparted were, as a rule, under the control, and aided by, the respective Governments of the countries in which they were situated. If there were a Minister of Commerce and Agriculture in England, he would, no doubt, turn his attention to this particular branch of education. Little or no information was given with regard to textile manufactures; such Returns as we possessed were given at the instance of private Members of this House; and, consequently, they were collected at irregular periods, and were not made out in a

The Chancellor of the Exchequer

was really wanted was that the local institutions of the country should be strengthened. All those connected with land in this country suffered, because the Minister who had charge of the municipal institutions of the country was not in a position to secure sufficient attention to their interests. While he believed there were many subjects connected with the occupation of those who cultivated the soil which certainly required the attention of Parliament, he could not, however, see the necessity of making an entirely new Department to fish, as it were, for occupation. He thought that some hon. Members, in speaking of the Privy Council, had forgotten that it was that body which was called upon to take up new questions and bring them gradually into shape, until they became ready to be handed over to some distinct Department. It might be that it was time that all questions connected with the importation and health of animals should be handed over to some other Department than the Privy Council; but he wished to remind hon. Members that the late Government had, to a very great extent, carried out that organization, which took from the Home Office many subjects which were now much more properly placed in the hands of Local Government Boards; and that appeared to him to be the true direction in which Government action could be beneficially employed in agriculture. He hoped the hon. Member for Plymouth would take the advice given to him from several quarters, to leave the matter in the hands of the Government.

MR. SAMPSON LLOYD pointed out, in reply to the hon. Member for North Devon (Sir Thomas Acland), that the Resolution contained nothing about a new Department. It simply said that it was desirable that the functions of the Executive Government which related to commerce and agriculture should be conducted by one distinct Department—not necessarily a new one. All he was asking for was that those Departments which were anomalous and unsystematic should be properly, vigorously, and systematically administered. The Resolution did not pledge the Government to make the change within any specified time, nor did it pledge them to any details as to the manner in which such change should be effected. He felt it his duty to go to a division.

VISCOUNT SANDON thought the House would feel much indebted to the hon. Member for Plymouth (Mr. Sampson Lloyd) for the explanation which he had just given. The House were now in full possession of the views of his hon. Friend, who, if he understood him rightly, did not attach the extreme importance which it had been supposed he did attach to the creation of a principal Secretary of State. The question of the creation of a principal Secretary of State would, of course, be a very difficult one, and could not be decided off-hand. It was certainly not a question to be decided in a thin and slack House; and he, therefore, welcomed the statement of his hon. Friend, that he did not attach much importance to that part of his Resolution. He ventured to say that the whole position of the question would alter in consequence of that statement. On behalf of the Government, he wished to express their warm and deep sympathy with any exertions to alleviate the feelings which naturally existed, in these bad times, with regard to trade and agriculture. It was most natural that hon. Members should look about for remedies for the state of things which existed; and he hoped that if the Government did not at once agree to the remedies proposed, it would not be attributed to any want of feeling on their part. But they did not always feel that they ought to jump at every proposed remedy. He thought, however, it was not impossible that the proposal which he was about to make would meet the general feeling of the House; but, before making his suggestion, he wished to point out that the House was bound to consider that the Government were pledged to appoint a Royal Commission to inquire into the state of the agricultural interest: and that, of course, one question which would be brought before that Commission would be as to the importance of concentrating certain different functions connected with agriculture in the hands of a Department of Agriculture. It was important, therefore, that they should not encroach upon the functions of the Commission. What he would venture to suggest was, that the Government would be prepared to accept a declaration—

“That it is desirable that the functions of the Executive Government which especially relate to commerce and agriculture should, as far as

single-handed, he would have failed—at least, comparatively failed—and the negotiation could not have been carried out in the short time in which it was done by Mr. Cobden. There was only one other matter, and that was that with a Minister of Commerce his voice would be heard loudly in the interests of peace in the Cabinet—those interests which tended, most of all, to the advantage of this country. There was another thing that might be gained by the organization of such a Department. Strikes and lock-outs, which we so often suffered from in this country, might be dealt with at their commencement if there was a Minister of Commerce. He did think that it very often happened that those deplorable events were brought about because there was no medium by which employers and employed who were in strife could be brought together to arrange their differences, and that might be provided for in the Office of a Minister of Commerce.

Mr. PELL said, he did not think he could vote for the establishment of a new Department to which all the functions of the Executive Government especially relating to commerce and agriculture should be committed. He did not see that any distinct advantage was likely to be secured to agriculture, at all events, by such an important change. But if the hon. Member for Plymouth meant that those functions of the Executive Government which especially related to commerce and agriculture should be administered by a special Department, not necessarily being a new one, and that it should not deal only with those functions which technically related to agriculture and commerce, he should be inclined to support that view. The Prime Minister some years ago said that the subject of a re-distribution of official duties in the Public Departments, in order to obtain greater efficiency, was one which must always engage the attention of the Government. A subject, however, which was always engaging such general attention was not very likely to receive the particular attention at a specific time which was necessary to attain a good result. No doubt other questions of very great importance had been occupying the time of the country, and that might be a sufficient excuse for this matter not having been dealt with as it deserved to be. The Chancellor of the Exchequer had, in his opening remarks, admitted a

great part of the case when he spoke of the difficulty in which they had found themselves, and told them it was an accident only which brought the questions relating to cattle and to education into the same Department. Now, the accident which had brought them there still kept them there. He thought that a re-arrangement might be made. The Government had already given to the House some assurance that they might expect the appointment of a Royal Commission to consider the prospects of agriculture; and perhaps it would be well for his hon. Friend to wait until some evidence was taken by the Commission upon this point. He hoped his hon. Friend would not deem it to be his duty to divide the House to-night. If, however, the Resolution were pressed he should vote in favour of it; in order that it might go forth to the country that, in the opinion of the House, the Government ought to take up the question, and to give effect to some, if not most, of the ideas expressed by those hon. Gentlemen who had spoken in favour of the Resolution.

Mr. J. G. HUBBARD pointed out that as far as the debate had gone it had been nearly, if not absolutely, one-sided. This being the case, he asked whether any mischief could result from the House voting in favour of the Resolution? In his opinion, no possible harm could result from the House accepting the Resolution which had been submitted to its consideration.

SIR THOMAS ACLAND said, that when he was first returned to Parliament he, with the little experience which he possessed, brought forward a Motion on part of the subject; and upon that occasion his right hon. Friend the Member for Birmingham (Mr. John Bright), after telling a story about a lady who felt so very well that she expected something was about to happen, advised the agriculturists that, as they were doing so well, they had better leave well alone, and not ask the Government to do anything for them. He could not expect that there was very much to be gained from the Government in the way of assistance to agriculture. We should see what came from the Royal Commission, which, if its inquiries were searching, would be satisfactory, if it only tended to make those interested in agriculture understand where their true interest lay. What

Mr. James Stewart

was really wanted was that the local institutions of the country should be strengthened. All those connected with land in this country suffered, because the Minister who had charge of the municipal institutions of the country was not in a position to secure sufficient attention to their interests. While he believed there were many subjects connected with the occupation of those who cultivated the soil which certainly required the attention of Parliament, he could not, however, see the necessity of making an entirely new Department to fish, as it were, for occupation. He thought that some hon. Members, in speaking of the Privy Council, had forgotten that it was that body which was called upon to take up new questions and bring them gradually into shape, until they became ready to be handed over to some distinct Department. It might be that it was time that all questions connected with the importation and health of animals should be handed over to some other Department than the Privy Council; but he wished to remind hon. Members that the late Government had, to a very great extent, carried out that organization, which took from the Home Office many subjects which were now much more properly placed in the hands of Local Government Boards; and that appeared to him to be the true direction in which Government action could be beneficially employed in agriculture. He hoped the hon. Member for Plymouth would take the advice given to him from several quarters, to leave the matter in the hands of the Government.

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“That it is desirable that the functions of the Executive Government which especially relate to commerce and agriculture should, as far as

possible, be administered by a distinct Department."

He had put in "as far as possible" advisedly; because it would be impossible to take away from the Foreign Office the duties which it now discharged in connection with commerce, which would suffer very grievously from too hasty an interference with the action of the Foreign Office. The Government, in introducing these words, only wished to get a categorical statement on the part of the House that it was desirable that the functions in question should, as far as possible, be administered by one Department. The attention of the Chancellor of the Exchequer had already been called to the subject; and he need hardly say that he (Viscount Sandon) was aware of its importance. He thought hon. Members would see that it was practically impossible for him, unless from sheer necessity, to avoid speaking of matters which somewhat affected his position as President of the Board of Trade. By the adoption of his suggestion, he thought they would avoid committing themselves in a very serious way; while they would gain the object in view, of securing that the two great interests of the country—commerce and agriculture—should be properly and seriously considered, and more systematically dealt with in future than they had been formerly. He hoped his hon. Friend would withdraw his Motion, and accept that which he had suggested in its stead.

Mr. SAMPSON LLOYD regretted that he must abide by his original Motion. The proposal of his noble Friend did not convey that the Minister should be a Cabinet Minister.

Mr. ASSHETON CROSS could not help thinking it would create a wrong impression if the House divided upon this question. The House seemed to be of opinion that commerce and trade should, as far as possible, be attended to by one Minister responsible to Parliament. The hon. Member for Plymouth had said that the Amendment proposed by his noble Friend did not convey that the Department of Commerce and Agriculture should be presided over by a Minister. But it was perfectly well known that no other person than a responsible Minister of the Crown could possibly have qualifications for dealing with these interests. It was, as had

been pointed out by his noble Friend, absolutely impossible that in a small and slack House like the present a Resolution should be passed to add to the Government a new Secretary of State. The Office was one of the most important that could be held, and such a matter had never been so lightly entertained. He ventured to say that, in no period of history, had it ever been proposed on a Motion of this kind that the House should come to the conclusion that a new Secretary of State should be appointed. That the Minister should be a responsible Minister, and, perhaps, a Member of the Cabinet, he did not for a moment deny; but that was very different from the proposal put forward by the hon. Member for Plymouth. He could not help feeling that a great number of hon. Gentlemen would be placed in an awkward position if the hon. Member chose to divide, in order to show that there might be some difference of opinion when, practically, there was none. They were agreed that there should be some responsible Minister charged with the duties relating to commerce and agriculture. He could not imagine that his hon. Friend would put his own Friends or hon. Members opposite in the false position which they would occupy if they were supposed to vote against that which all desired—namely, that there should be some person charged with looking after the interests of commerce and agriculture.

Mr. NORWOOD said, the noble Lord the President of the Board of Trade had carefully abstained from endorsing the view that the proposed Minister should be a Member of the Cabinet. This subject was one in which the manufacturing and commercial interests were very deeply concerned. He ventured to say, on behalf of the hon. Member for Plymouth, that when he spoke of a Secretary of State he was not absolutely insisting upon having an officer bearing that title to preside over the Department of Commerce and Agriculture; but that what he insisted on, and what many hon. Members were aiming at, was that some pledge should be given by Government that the Minister who was to have charge of this Department should be a member of the Cabinet. The Postmaster General was a member of the Cabinet; and surely the interests of trade and agriculture were as important as

Viscount Sandon

the administration of the Post Office. He had no desire to embarrass the Government; but unless they gave an assurance that they were willing to carry out the spirit of the Resolution in this respect, he thought the House ought to go to a division.

MR. W. H. SMITH urged that it would be very inexpedient for the House to pledge future Governments that the interests of trade and agriculture should be represented in the Cabinet. Whether the Minister in charge of them should be in the Cabinet or not must depend upon the circumstances of the day. The Government were perfectly prepared to admit that those functions of the Executive Government which especially related to commerce and agriculture should be administered by a special Department. But was it desirable that the House should affirm that there should be an additional Secretary of State, and that the functions now discharged by a Department of the Government should be assigned to him? The Government were most desirous of recognizing the true interests of trade and agriculture; but it was not a sound position to assume that they required the assistance of a Secretary of State, and that they suffered severely because the President of the Board of Trade was not called a Secretary of State. With the view of testing the question, he begged to move the omission from the Resolution of the hon. Member for Plymouth (Mr. Sampson Lloyd) of the words, "under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet."

Amendment proposed,

To leave out the words "under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet."—(Mr. William Henry Smith.)

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD ELCHO was entirely in sympathy with the hon. Gentleman by whom the Motion had been brought forward; but did not think it necessary, for the purpose which he had in view, to advocate that the Department of Commerce and Agriculture should be under the direction of a Secretary of State. He understood that the Government agreed that it was desirable that those mat-

ters relating to commerce and agriculture should be collected and put under the administration of a Minister of a Department of the State; but that they did not think it desirable that for that purpose a special Secretary of State should be appointed and a special Department created. He had seen a Secretary of State created for the War Department; but many people were of opinion that the Army was much better administered before than after the creation of that Minister. He thought it would be sufficient if the Government gave a distinct assurance that they were prepared to subject to one Minister all matters connected with commerce and agriculture; and, therefore, if the House went to a division, he should vote for the Government proposal.

MR. W. E. FORSTER did not imagine that his hon. Friend cared about the particular name of the Minister. The President of the Board of Trade might have his duties so far enlarged as to occupy this position; and, although there was not much in a word, it would be, on the whole, desirable that the name "President of the Board of Trade" should be changed into some other. But he thought it of importance that the House should give its opinion that this Minister should be a Member of the Cabinet. The right hon. Gentleman (Mr. W. H. Smith) thought this would pledge all future Parliaments with regard to this matter; but he (Mr. W. E. Forster) did not understand that would in any way be the case. It would merely be an expression of opinion on the part of this Parliament, at a particular Sitting, that it was considered advisable that this Minister should be a member of the Cabinet. He could not see that any evil could result from such a Resolution being recorded on the Minutes of the House; and, therefore, if the hon. Member for Plymouth went to a division, he should vote for the Resolution. But he wished to be understood to vote that commerce and agriculture should be administered by a distinct Department, and that it should be under a Minister who should be a Member of the Cabinet. If the Government would assent to that, he strongly advised his hon. Friend to allow the words "principal Secretary of State" to be omitted; but he could not advise him to omit the words "Member of the Cabinet."

MR. ASSHETON CROSS would like to know the number of times this question was before the House when the right hon. Gentleman (Mr. W. E. Forster) was in Office, and how often he had impressed upon the House that the Department of Commerce and Agriculture should be presided over by a Member of the Cabinet? During that long period, he had never heard the right hon. Gentleman suggest for a moment that the Minister should be a Secretary of State, or that there should be one person who should perform both the functions in question. He was, therefore, a little surprised to find such new-born zeal on the part of the right hon. Gentleman as he had just displayed for the creation of a new Member of the Cabinet. But he would ask the right hon. Gentleman another question. Had there ever, to his knowledge, been brought forward, and carried by the House, a Motion affirming that it should be dictated to any future Prime Minister who should be a Member of his Cabinet? He did not believe that any such precedent could be produced.

MR. W. E. FORSTER said, he did not consider there was any dictation in the Motion; and with regard to the surprise felt by the right hon. Gentleman the Home Secretary, surely he was not in a position different from that of other Members of the House whose experience induced them to change their opinion.

SIR WALTER B. BARTTELOT said, that he was quite certain his hon. Friend the Member for Plymouth would never think that the House ought to dictate how many Secretaries of State there should be. He (Sir Walter B. Barttelot) was one of those who wished that, as far as possible, all that related to commerce and agriculture should be collected in one Office. But that was what the Government had promised; and, therefore, he thought his hon. Friend would do well to accept that offer. If he accepted it, he would have a pledge from the Government; but if, on the other hand, he went to a division, it might be that he would get nothing whatever.

MR. MONK hoped the hon. Member for Plymouth would not withdraw the words "under the direction of a principal Secretary of State." He agreed entirely with the right hon. Gentleman the Home Secretary in saying that the

House ought not to dictate to the Prime Minister who should be in his Cabinet. But it rested with the Prime Minister under the Crown to decide whom he should appoint to the office of principal Secretary of State. It was desirable that agriculture and commerce should be under the direction of a principal Secretary of State, and it rested with the Prime Minister to say whom he would appoint. He hoped that the sense of the House, which had been clearly expressed, that the Minister should, at all events, be a Member of the Cabinet, would be taken by a division.

MR. CHAPLIN understood the Government to agree that it was desirable that the functions of the Government, especially relating to commerce and agriculture, should be administered in a distinct Department, but that they declined to agree that the Department should be under a Secretary of State. The Departments of Finance and of the Army, the Navy, and the Colonies, were all under Secretaries of State. If, therefore, the Government proposal were accepted, it would be as much as to say that the interests of commerce and agriculture were inferior to the interests of the other Departments which he had named. He did not think that was a proper position for those interests to occupy. It was quite true that it rested entirely with the Prime Minister to appoint the Members of his Cabinet, and no one would for a moment wish to interfere with his freedom in this respect; but it was perfectly competent to the House of Commons to express an opinion that the industries of commerce and agriculture were of such importance that they ought to be administered by a separate Department, under the control of a principal Secretary of State, and it was desirable that it should do so, because the House knew perfectly well that Departments so administered had much greater recognition by the Government than those which were not under such control. All that the House of Commons would express, by voting for the Motion of the hon. Member for Plymouth (Mr. Sampson Lloyd), would be that it considered the interests of commerce and agriculture were of such importance that they ought to be administered by a Department in no respect inferior to the other Departments of the State.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Member who has just sat down says that the insertion of these words—

“Under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet,”

would not be taken as any dictation to the Minister of the day, but as an expression of opinion on the part of the House that it was desirable that the Department of Commerce and Agriculture should be in no respect inferior to the other Departments of the State, and that is the view he takes of the whole Resolution. According to that construction, the whole Resolution amounts to nothing more than a vague expression of opinion. Now, I believe, in consenting to accept the first lines of the Resolution, we did so with the view of endeavouring to give it effect. But I must again point out to the House that the re-arrangement of the functions of Government is not to be done in a hurry, but with considerable care, and at the cost of considerable re-organization of Departments. Still, I admit the change is desirable, and ought to be made. But if we are called upon to say this is to be done in a particular manner, under the direction of a principal Secretary of State, and that he should be a Member of the Cabinet, the matter would be considerably complicated. The hon. Member for Mid-Lincolnshire (Mr. Chaplin) suggested just now that all the Members of the Cabinet are Secretaries of State. But it has to be remembered that, at different periods, there are reasons why sometimes the Representative of one Department should be taken into the Cabinet and sometimes another, as in the case of the Chief Secretary for Ireland, or of the President of the Local Government Board. There ought not to be any such rule laid down as would hamper the Minister of the day in framing his Cabinet. It is, no doubt, convenient that the functions of agriculture and commerce should be, as far as possible, brought together; but to accept these lines at the end of the Resolution of the hon. Member, which would either be meaningless, or dictative to the Minister as to how he should form his Cabinet, is what ought not, in my opinion, to be asked of the Government. I shall, therefore, feel it

my duty to vote against the insertion of these words.

MR. DILLWYN said, it appeared to him that the carrying out of the Motion of the hon. Member for Plymouth (Mr. Sampson Lloyd) would be attended, in any case, with considerable difficulty to the Government; and, therefore, he proposed to leave the matter in their hands. He should support the course suggested by the Government, with the sincere desire of giving effect to the wishes of the hon. Gentleman.

MR. BENNETT-STANFORD said, by dividing the House the hon. Member for Plymouth would place a great many hon. Members below the Gangway on his side of the House in an awkward predicament. He felt obliged to support the Government.

MR. NEWDEGATE supported the Motion of the hon. Member for Plymouth, for this reason. The Colonies were represented by a Member for the Cabinet, and, under existing circumstances, he thought it was quite time to affirm that the great productive interests of this country should be equally represented. The affirmation of that principle would, he believed, have a very wholesome effect upon the Colonies; and it was, in his opinion, nothing more than the great interests of agriculture and commerce had a right to demand.

MR. STORER hoped, after the substantial assurance given by the Government, the hon. Member for Plymouth would withdraw his Motion in favour of the Government proposal.

MR. SAMPSON LLOYD said, the essence of his Resolution was that the Minister in charge of the Department should be one of those persons whom the Prime Minister selected to be a Member of the Cabinet. He could not give up this point.

MR. PELL said, the Government had gone quite as far as he desired to see them go in the direction indicated by the Motion of the hon. Member for Plymouth. He should support the Amendment of the Government.

Question put.

The House divided:—Ayes 71; Noes 65: Majority 6.—(Div. List, No. 154.)

MR. MARK STEWART said, he would now move an Amendment of which he had given Notice.

MR. SPEAKER said, that the hon. Member was precluded by the Rules of the House from moving this Amendment.

Main Question put.

The House divided :—Ayes 76 ; Noes 56 : Majority 20.—(Div. List. No. 155.)

Resolved, That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department, under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet."

TURNPIKE ACTS CONTINUANCE BILL.

On Motion of Mr. SALT, Bill to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith, *ordered* to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 239.]

COMMONS ACT (1876) AMENDMENT (NO. 2) BILL.

On Motion of Mr. MUNDELLA, Bill to amend "The Commons Act, 1876," *ordered* to be brought in by Mr. MUNDELLA, Mr. WALPOLE, Lord EDMOND FITZMAURICE, and Sir HENRY PERK.

Bill *presented*, and read the first time. [Bill 240.]

SAINT GILES CATHEDRAL (EDINBURGH)

BILL.

On Motion of The LORD ADVOCATE, Bill to make provision in regard to the restoration of the Cathedral Church of Saint Giles in the city of Edinburgh, *ordered* to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 238.]

CHANNEL ISLANDS (APPLICABILITY OF ACTS) BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to remove doubts as to the applicability of certain Acts of Parliament to the Channel Islands, *ordered* to be brought in by Mr. ATTORNEY GENERAL, Mr. Secretary CROSS, and Mr. SOLICITOR GENERAL.

Bill *presented*, and read the first time. [Bill 237.]

OCCUPATION ROADS BILL.

On Motion of Mr. PELL, Bill to enable persons interested therein to co-operate for the making, improving, and maintaining of Occupation Roads and Ways in England, *ordered* to be brought in by Mr. PELL, Sir THOMAS ACLAND, and Mr. RODWELL.

Bill *presented*, and read the first time. [Bill 241.]

INDUSTRIAL SCHOOLS (POWERS OF SCHOOL BOARDS) BILL.

On Motion of Sir MATTHEW RIDLEY, Bill to amend the Law respecting the powers of School Boards in relation to Industrial Schools, *ordered* to be brought in by Sir MATTHEW RIDLEY and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 242.]

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, 9th July, 1879.

MINUTES.]—New Writ Issued—For Glasgow, *v.* Alexander Whitelaw, esquire, deceased.

SELECT COMMITTEE—*Report*—Wine Duties [No. 278].

PRIVATE BILLS (Group A), Select Committee *nominated*.

PUBLIC BILLS—*Second Reading*—Sale of Intoxicating Liquors on Sunday [20], *debate adjourned*.

Third Reading—Conveyancing and Land Transfer (Scotland) Act (1874) Amendment* [193], and *passed*.

Withdrawn—Ulster Tenant Right (No. 2)* [209].

MOTION.

PRIVATE BILLS (GROUP A) — TOWER HIGH LEVEL BRIDGE (METROPOLIS) BILL—BREACH OF PRIVILEGE.

NOMINATION OF SELECT COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER: I beg to nominate the Select Committee on Private Bills (Group A), Special Report, and to move that Mr. WALPOLE be a Member of the Committee.

SIR PATRICK O'BRIEN: In consequence of some observations that were made yesterday in reference to the mode in which this Committee is to conduct its inquiry, and as the right hon. Gentleman the Chancellor of the Exchequer has not stated whether it is intended that this Committee is to be a private Committee or a public one, I will venture to move—and I do so, not by way of Amendment to the Motion of the right hon. Gentleman, but rather as an

addition to that Motion, "That it be an Instruction to the said Committee that it be an open Committee."

MR. SPEAKER: I would point out to the hon. Baronet that the Question now before the House is the appointment of the Committee, and the House is at this moment considering the names of those hon. Members who shall be appointed. The immediate Question before the House is that Mr. Walpole be a Member of the said Committee.

MR. KNATCHBULL-HUGESSEN: May I, in point of Order, ask whether, if no Instruction be given to the Committee, it will not necessarily be an open Committee?

MR. SPEAKER: The House is aware that every Select Committee is at liberty to exclude strangers if it thinks proper.

MR. KNATCHBULL-HUGESSEN: Before the Motion before the House is put, I would venture to make an observation on the constitution of the Committee, if I am in Order in doing so?

MR. SPEAKER: Yes.

MR. KNATCHBULL-HUGESSEN: What I wish to say to the House on the matter is this. In all former cases of this kind, as soon as a breach of Privilege has been committed, or as soon as any person has been accused of having committed a breach of the Privileges of this House, every Member of the House—all being alike interested in the preservation of our Privileges—has generally concurred in a Notice that on a certain day the individual so charged will be called to the Bar of the House; and on the individual so accused being called to the Bar, every Member of the House has had the opportunity of examining him, and asking him such questions as would enable the House to arrive at a conclusive opinion as to the course which the House ought to take with regard to such individual. Well, now, Sir, I wish to point out to the House that by the proposition now before it the House will, for the first time, be declaring that it has not sufficient confidence in itself, as a collective Body, to conduct an examination of this kind. I do not wish to raise any objection to this proceeding, because it was the evident feeling of the House, after the wish expressed by the right hon. Gentleman the Chancellor of the Exchequer, to accept the proposal he put before it; but, at the same time, it is de-

sirable to obtain an expression of the opinion of the House as to whether, if a Committee is to sit upon this matter, and if the functions that have been hitherto discharged by the whole House are to be delegated to a limited number of individuals, the House will be disposed to part with the Privilege under which any Member of the House may be present at the deliberations of a Committee? I asked the question just now, because it was my impression that—and I wish you, Sir, to state from the Chair—if the Committee should decide on conducting their inquiry with closed doors, and thus exclude the public from being present, hon. Members of this House will have power to be present?

MR. SPEAKER: I would point out to the right hon. Gentleman that it is open to any Select Committee to exclude strangers at their own discretion; but they cannot exclude Members of this House without first obtaining the Order of the House to that effect.

MR. KNATCHBULL-HUGESSEN: That, Sir, is what I wished to have made perfectly clear. With regard to the question of the exclusion of strangers, the House, no doubt, feels it right that there should be delegated to the Select Committee its own authority to clear the House of strangers; but I wish to know whether, in so delegating that power, it would also delegate power as to any further restrictions, whether it would authorize the Committee to exclude hon. Members of the House from its deliberations? If it be understood that it has not this authority, I have nothing further to say on the subject, and, as far as I can understand from what fell from my hon. Friend behind me, his object was to ascertain the same thing.

SIR PATRICK O'BRIEN: It appears to me that the right hon. Gentleman (Mr. Knatchbull-Hugessen) is as much out of Order as I was, when I rose just now, to make the few observations with which I intended to trouble the House. My objection to the Committee being a private one is that the publicity which I desire to obtain would thus be completely avoided; because, although every hon. Member of this House would be able to attend, he would be under an honourable understanding to hold the proceedings of the Committee as private as if he were a Member of that Committee. That is what I object to in this instance. The

question is one that does not affect merely the power, privileges, and honour of this House; it is one that concerns the vast considerations as to the interests of property in different parts of the Kingdom which are brought under the consideration of Committees on Private Bills; and where there is even the slightest charge against the honour of any Committee—and, in his (Sir Patrick O'Brien's) experience, it has ever shown that the persons making such charges have failed to establish them—there is the greatest reason why the public should see that the inquiry into the allegation is made publicly, and that we have no reason to refuse to persons outside, who may be interested not only in this Committee, but in a large number of Committees that are appointed to inquire into matters coming before the House from year to year and from day to day, a knowledge of what is done. It would be a lamentable thing if the idea should go abroad that anything is occurring in this House to which the public are not completely admissible. There were, no doubt, matters in which at times questions of State policy may render it necessary that the proceedings should be conducted in private. I think it is about eight or ten years ago, though I will not be certain that I am accurate as to the date; but, at any rate, it is some years ago since a question as to the state of society in a particular county in Ireland was referred to a Committee—the Westmeath Committee as it was called—and in that case it was thought desirable that, as certain persons might be indisposed to give such evidence as was necessary for the purposes of the public, unless they had the protection that would be afforded by secrecy, that the Committee should take evidence in secret. The House acted on a suggestion to that effect, and a portion of the evidence then taken was not afterwards published. But, in the present case, no consideration of the kind can possibly arise. The question is this. A serious charge has been made against the honour of a Committee of this House; and when it is to be inquired into by another Committee the House ought, out of regard to its own honour and its own feelings, to see that that inquiry has the fullest publicity. I believe that if it were necessary to take the sense of the House on the question, there are a

great many hon. Members who would concur in the opinion I have ventured to submit to the House. I know I am not in Order in moving an addition to the Motion just now; but as the right hon. Gentleman (Mr. Knatchbull-Hugessen) has made some observations on the general question, I thought it right, prior to moving the addendum I intend to move afterwards, to interpose and state the grounds for the opinions that have actuated me in bringing this question forward.

MR. SPEAKER: The Motion which the hon. Baronet desires to submit as an Instruction to the Committee will be moved more properly after the House has given its decision on the Question now before it. The Motion of the right hon. Gentleman the Chancellor of the Exchequer is that Mr. Walpole be a Member of the Committee.

Motion agreed to.

MR. DODSON, MR. SOLICITOR GENERAL, MR. GRAY, and MR. PEMBERTON, nominated other Members of the Committee.

THE CHANCELLOR OF THE EXCHEQUER moved "That the Committee have power to send for persons, papers, and records."

SIR PATRICK O'BRIEN: Is this the time for moving the Instruction I propose to ask the House to give to the Committee?

MR. SPEAKER: The Question before the House is that the Committee shall have power to send for persons, papers, and records; and the hon. Baronet is not in Order at present in moving an Instruction to the Committee.

MR. COURTNEY: May I ask, as a matter of Order, whether I shall be in Order in moving that it be an Instruction to the Committee that they shall receive evidence on oath upon the matter referred to them? I apprehend that it is quite within our jurisdiction to decide this.

MR. SPEAKER: Any Motion for giving Instructions to the Committee would come more opportunely when the House has disposed of the preliminary point now before it.

MR. CALLAN: Sir, before you put the Question before the House, I think it would be desirable that the right hon. Gentleman the Chancellor of the Exche-

Sir Patrick O'Brien

quer should give the House some explanation of the course he intends to pursue. When Notice was given of the appointment of the Westmeath Committee in 1871, the then principal Secretary of State for Ireland gave Notice at the same time that it should be a secret Committee. He did that, I believe, for the purpose of excluding even Members of this House from that Committee; but such a course is not intended to be pursued on this occasion by the Chancellor of the Exchequer. Under the peculiar circumstances of this case, I think that a question of much greater importance and wider scope now arises, and that is—whether, for the first time in the history of this House, an offender, or one who is presumed to have offended by committing a breach of the Privileges of this House, shall not be called to the Bar of the House in order to withdraw, or apologize, or explain his conduct; and whether the inquiry that is to be made is to be kept secret, in so far that no one shall attend except Members of this House?—for the rumour has gone abroad, whether rightly or wrongly, that the Committee about to be appointed is intended, in reality and in substance, to be a secret Committee. If this is to be the case, I would offer to the proposition now put before the House my most strenuous opposition. There is no use in blinking the fact that a charge has been made which affects the character of Members of this House. We have repeatedly heard it pathetically lamented by Members of the Government that this House has sunk in the estimation of the country; but I would say that in regard to one portion of its duties this House has not sunk, but that day by day it has raised itself in the estimation of the country by the strict impartiality, the honour, and the independence of the Members of its Select Committees on Private Bills, involving private interests of great magnitude. If, Sir, we allow a breath of suspicion to rest upon that honour, we shall inflict a fatal blow on the independence of the House, and a still more fatal blow on the opinion the country has formed of it. I, for one, acting, I believe, with the full concurrence of the Party with which I am associated, and with which I have the honour to act, feel that in such a case, involving such grave considerations, we of this section who have been

accused in the Provincial Press of being actuated by treasonable motives—we who have been accused almost of being actuated by corrupt motives—have treated those accusations with contempt. When an accusation such as this is brought forward, we are bound, in my opinion, to meet it boldly. Let there be no concealment, no suppression of facts. Are we ashamed to come before the country and investigate such a charge? If we are not ashamed, the Committee should be an open one. It is a charge which attracts the undivided attention of the country; and at the present moment, when a General Election is pending, the character of this House is closely looked to. If we are afraid that something should arise, why not boldly avow it, and say it is not desirable that the public should know all the circumstances of the case? As a Member of this House, I say the Committee should be a public Committee—that it should be above reproach—and I believe that if this be so the result will be that every Member of the aspersed Committee will be cleared, and the Committees of this House will be established in higher estimation than ever.

Mr. WHITBREAD: Although the turn the discussion has taken may be slightly irregular, and it would, perhaps, have been more convenient not to have raised it on a Motion that the Committee have power to send for persons, papers, and records, still, as it has been allowed to be carried on for some time, I wish to say one or two words upon the subject before it is too late. It seems to me that the fears of the hon. Member who last addressed the House are without cause. I take it that at no time in the history of Parliament has the honour and integrity of Private Bill Committees stood higher than at the present moment. [Mr. CALLAN: That is what I said.] It is true, as many hon. Members may remember, that there was a time when some rumours—mere idle tales—did prevail as to our Committees; but at the present time, I believe, they are above suspicion, and that the country recognizes this fact. Now, what has been done in the present instance I understand to have been this. Instead of following the usual plan of calling the offending person to the Bar of the House, it appeared to the right hon.

Gentleman the Chancellor of the Exchequer that as there might be other names implicated in this matter, and the inquiry might be rather too complicated to be conducted in the ordinary way, it would be better to appoint a small Committee to investigate the facts. The House having agreed to the appointment of that Committee, and having, as I think, got a Committee in whose hands the honour and integrity of the House may well be left, it seems to me that it would be to act in an unusual manner if the House were to attempt to curtail the discretion of the Committee in the way suggested. Surely the Members of that Committee, acting with the right hon. Gentleman whose name is first upon it (Mr. Walpole), must all be fully alive to the necessity that this question shall be dealt with, not in any hole-and-corner fashion, but, as far as possible, as an open inquiry. At the same time, I should be very unwilling to fetter their discretion, so as to leave them no opportunity, supposing they found that evidence might be forthcoming with closed doors that could not be obtained in any other way, of taking that evidence in secret. I say I should be sorry to fetter their hands as to render it impossible that they should exclude strangers. That would seem to me to be a very unusual course, and one which I think the House has hardly ever adopted. Having appointed the Committee, it seems to me that the question of calling the offender to the Bar of the House is not thereby precluded. If the House or the Committee think there is any censure to be accorded to the person who brought this charge, or if they think there is any reason why he should be examined publicly before the House, then the House, on the Report of the Committee, or in spite of their Report, can call the individual to the Bar. What we are now about to do is to delegate the matter to the Committee with the view of having a searching inquiry—a more full and minute inquiry than we could conduct in this House; and, having appointed the Committee and got upon it the names of hon. Gentlemen who will fully satisfy the House and the country, it seems to me to be very undesirable to attempt, in an unusual way, to fetter the discretion of that Committee.

Mr. Whitbread

THE CHANCELLOR OF THE EXCHEQUER: After what has just fallen from the hon. Gentleman the Member for Bedford (Mr. Whitbread), there is nothing left for me to say, except that I entirely agree with every word that has fallen from him. The object in view, in the appointment of this Committee, which I admit to be taking an unusual course, is not, in any way, to deprive the House of its power to deal with those who may be considered as having infringed its Privileges, but to investigate the circumstances that have been brought under our notice by the Report of one of the Select Committees—circumstances which appeared to be so far complicated that, at the present moment, the House must feel in some uncertainty as to the course they ought to take without further information. The question is, whether that information can best be got by calling one gentleman or more than one gentleman to the Bar of the House, and conducting a public examination; or, whether it would not be more convenient to make the inquiry by means of a Committee sitting upstairs? We came, yesterday, to the conclusion, which I think was a right one, that the best way to get at the real facts would be by a preliminary investigation upstairs. This does not, of course, preclude the action of the House after the Committee has ascertained the facts. With regard to the mode in which the Committee shall proceed, all Committees, unless specially instructed to the contrary, exercise their own discretion as to whether they will sit openly or with closed doors as far as the public are concerned; but, with regard to this House, every Member of the House has a right to attend the sittings of the Committee, unless the House otherwise directs. The power to take evidence on oath is also a power inherent in the Committee. There is no proposal to restrict the Committee, or to require it to keep its doors open or closed. That is a matter which we leave to the discretion of the Committee, feeling perfectly satisfied that their discretion will be exercised in a wise and proper manner. There is no intention to give any Instructions that they should have power to do this, as they already, by the Standing Orders, have power to do it; and, on the other hand, we do not propose any limitation upon those powers. I think, under all the

circumstances, the House would do well to give the usual powers to the Committee to send for persons, papers, and records, without trammelling them with any other Instructions.

MR. MITCHELL HENRY: It speaks well for the honour and dignity of the House that we find ourselves in this difficulty as to determining the proper course to pursue when a charge of this kind is brought forward, which has elicited such a discussion. I have risen merely to say that, according to the experience of the House upon these questions, no charges of the kind now before the House, or made in modern times, have made any impression upon the public mind. I think we must feel gratified at finding that all hon. Members who have spoken take such an interest in the honour and dignity of this House; but with regard to what has fallen from the hon. Member for Dundalk (Mr. Callan), I was not, myself, aware that he was authorized to speak for anybody but himself; although I should have been fully sensible of the advantages to my position in this House, and that of other hon. Members, if I had known that we had committed to him the duty of expressing what we thought would be for the honour and dignity of this Assembly. I may add, that I do not concur in the course that he wishes to be adopted as to giving Instructions to the Committee. The House has remitted to the Committee, composed of some most experienced Members, an inquiry which would constitute them, in the main, a Court of Inquiry. This Committee will, no doubt, hear all the evidence, and Members of this House will not be excluded from attending. The Committee will, in due time, report to the House, and the House will adopt its own course. For my part, I think it would be a very indiscreet thing to fetter the discretion of the Committee; and I cannot, therefore, concur in the course proposed by the hon. Member for Dundalk.

MR. COURTNEY: As the Chancellor of the Exchequer has intimated his opinion that no Instructions should be given to the Committee, perhaps I may be allowed to say a word or two on the point. I have already mentioned that I agree with the hon. Member for Bedford (Mr. Whitbread), that it would be unwise to fetter the discretion of the Committee in respect to the admission or

non-admission of strangers to hear the evidence brought before it, and the House seems to approve of that proposition. It is quite evident that any imperative direction that the Committee should be open at all times might have the effect of defeating the first object of the Committee, which is to obtain all the evidence it can on the allegations in respect to this matter. It may, possibly, be necessary for them to sit with closed doors and hear evidence not otherwise obtainable, and we must trust entirely to the discretion of the Committee in exercising its power to exclude strangers; but with respect to the question of receiving evidence on oath, different considerations arise. We wish to have this matter investigated for the honour of the House, and for the defence of the House in the eyes of the public; we, therefore, wish to have the evidence given in the most exact, precise, and responsible manner for that purpose. I should suppose that probably the Committee itself, in the exercise of the power it has obtained under the recent Act of Parliament, would think it advisable to receive evidence on oath; but there might be some hesitation on their part in adopting that course, as being somewhat unusual; and it would strengthen their hands if the House were to instruct them beforehand that the evidence to be received in this serious matter should be on oath. There is another reason why I think the evidence should be taken in this form. The statements made, if any prolonged inquiry is entered into, might be statements affecting other persons, and I think those other persons ought to have the power of holding the witnesses who made those statements responsible for them; if evidence be tendered on oath, every person tendering that evidence would be liable to indictment for perjury, if the persons objecting to his statements could prove that his evidence is false. Unless the evidence be given on oath, no such remedy could be had, supposing persons to be so wronged. Of course, there might be other remedies, such as an accusation of conspiracy, where two or three persons joined together to bring a false charge; but the process of vindicating the character of the person aspersed would be difficult for those persons. I think it extremely desirable that the Committee should re-

solve to take evidence on oath, and I think it should be an Instruction to the Committee that the evidence should be so taken.

SIR HARCOURT JOHNSTONE: I think that, in the interest of the Members of this House, we ought to consider whether it would be wise to exclude shorthand writers from the proceedings of the Committee. In the interest of the hon. Gentlemen who had the Committee in charge, it is certainly most desirable that shorthand writers should not be excluded. Of course, I refer to the shorthand writers appointed by the House, and who regularly attend to make a record of the proceedings of our Committees. I do not think it will be necessary to admit gentlemen who will supply sensational paragraphs to the newspapers; but I do think that, in the interest of hon. Members generally, we ought to make a general Instruction to the Committee that they should not exclude official shorthand writers.

MR. KNATCHBULL-HUGESSEN: Sir, my object in rising in the first instance was to secure, if possible, that no Instruction should be given to the Committee by which the proceedings of this Select Committee would be necessarily conducted in secret. But, having attained that object, I would recommend to hon. Gentlemen who have spoken on the subject that the best course for us to pursue is to place entire confidence in the Committee. We have obtained the services of men of great practical experience in the working of Committees; and, in my opinion, if we are willing to delegate to them the powers hitherto vested in the House, we may place implicit confidence in their discretion. As regards the taking of evidence on oath and other matters, we ought to be content to leave them to the Committee.

MR. SHAW: Sir, I would venture to express the opinion that it would be very unwise to fetter the hands of the Committee; but, at the same time, I think it of great importance that we have heard the general opinion of the House on the subject. I am pleased that the Government have consented to widen the Instructions to the Committee, and that it is not to be a hole-and-corner affair. Certainly, there will be garbled reports and sensational paragraphs; but I am quite certain that the wisest course to

adopt will be to allow the proceedings of the Committee to be conducted in the manner proposed, unless there is something exceptional; and, under such circumstances, it would be unfair to the Government that their hands should be tied. I hope that my hon. Friend will withdraw his Amendment, inasmuch as his object in proposing it has been fully answered by the conversation which has just taken place.

MR. DUNDAS: As a Member of the original Committee in charge of the Bill, I may remark that we have only one wish, and that is, that the utmost publicity should be given to all the evidence. At the same time, I should be expressing my own opinion as well as that of my Colleagues, though I have not consulted them in the matter, when I say that we do not feel we have any interests apart from the interests of the House, and that we shall have the most complete confidence in the discretion of any Committee which the House may be pleased to appoint.

SIR CHARLES W. DILKE: Looking to the fact that the general opinion of the House seems to be that the witnesses ought to be examined on oath before this Committee, I would appeal to the hon. Member for Liskeard (Mr. Courtney) whether he has not practically obtained his point? It is clear that the Committee have power to examine witnesses on oath, and that, therefore, they will exercise it. Under these circumstances, I appeal to the hon. Member not to press his objection.

MR. FREMANTLE: I quite concur with the remarks just made by my hon. Colleague on the Committee (Mr. Dundas). While, of course, every Member of the Committee desires the fullest publicity in this matter, we feel that we are in the hands of the House; and the strong feeling of the House appears to be that the hands of the Committee now to be appointed should not be tied in any way in making this investigation.

Motion agreed to.

SIR PATRICK O'BRIEN: Now, Sir, I am in Order. Of course, I should not for a moment presume to move any Motion against which I knew the House to be; but I trust the House will bear with me for a short time while I state the reason which induces me to propose

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that such an Instruction be given to the Committee. This is not the ordinary case of a Committee. It is the substitution of a Committee for a course of public procedure which has been always adopted by the House of Commons; and when we substitute a Committee upstairs for a public examination at the Bar, it is of the utmost importance that it should be broadly stated and indicated, and that in unmistakeable language, that that Committee should be confined to Members of this House. When we take away the publicity, we ought, at least, to maintain that publicity upstairs, which in some way would be a kind of recognition of the former procedure of the House. Let me suppose that Mr. Grissell, when he appears before the Committee, says—"I object to five Gentlemen, however respectable and honourable, having charge of my honour in this particular. I demand that publicity which every Englishman who has a charge made against him has a right to enjoy;" and supposing that Mr. Grissell, addressing the Chairman of the Committee, were to say—"Sir, I demand of you that the public be admitted, and that in my defence I have the opinion of the British public as well as the opinion of the House of Commons"—what answer would the Chairman of the Committee give to such a demand? He would, no doubt, find himself placed in a very difficult position, were Mr. Grissell to make that proposition. I do not mean to say that the Committee is not composed of men of the highest honour and complete sense of justice; nay, I go further, and say that if you were to place any other hon. Members of the House upon the Committee the same observation would be applicable.

MR. SPEAKER: I wish to point out to the hon. Baronet that at the present moment there is no Question before the House, unless the hon. Baronet is about to conclude with a Motion.

SIR PATRICK O'BRIEN: I intend to move an Instruction to the Committee, unless I see that the feeling of the House is against me. It has been said by an hon. Gentleman opposite that the decision of the Committee may be of such a character that the House may not wish to adopt it. Assuming that to be so, may I ask what material this House would have for discussion in con-

sidering the proceedings of the Committee? They would not have the evidence; there would have been no publicity; but the House, in ignorance of what the Committee upstairs have done, will be told—"You have the opportunity of reviewing the proceedings of the Committee." I do not see how we can adopt such a principle, and I fail to see the relevancy of many of the arguments offered to the House against the Instruction which I have now the honour to move. Without attempting to put the House to the trouble of a Division if it does not desire it, I beg to move—"That it be an Instruction to the said Committee that it be an open Committee."

[The Motion, not being seconded, could not be put.]

ORDER OF THE DAY.

SALE OF INTOXICATING LIQUORS ON SUNDAY BILL—[BILL 20.]

(*Mr. Stevenson, Mr. Charles Wilson, Mr. Birley, Mr. Osborne Morgan, Mr. William M'Arthur, Mr. James.*)

SECOND READING.

Order for Second Reading read.

MR. STEVENSON, in moving that the Bill be now read a second time, said, there had already been six Sessions of the present Parliament; and although a Bill such as he now ventured to propose had been introduced each Session, this was the first occasion on which it had reached the stage of a public discussion. The hon. Member for Hull (Mr. C. H. Wilson), who originally had charge of the Bill, gave way year after year, as well as last year, when, having secured a favourable day for the second reading, he used a wise discretion and gave it up for the purpose of enabling the Irish Sunday Closing Bill to be discussed. That measure had been promoted by the friends of temperance, and opposed in the interest of the liquor trade in this country, both sides knowing that it would be used as a most important precedent to justify a like step as regarded England. The most pleasing feature in the history of this Parliament was that a measure had been passed for Ireland which had given the very greatest satisfaction to all lovers of temperance, and religion, and morality in the Three

Kingdoms. He knew it was said that questions such as the present were social questions beyond the province of Parliament; but it was too late to make that objection. Parliament had established precedents which they were perfectly entitled to follow. The liquor traffic had always been subjected to restriction and regulation, both as to time and place, and Parliament had, by the Scotch and Irish Acts, declared its competency to deal with it in the manner he now proposed. He was one of those who maintained that one day of rest in the week was a Divine institution, and ought to be regarded as such by a Christian country. It was, therefore, a great anomaly that while the ordinary tradesmen had to close their places of business, one trade, and that which was attended by the most baneful results, was allowed to proceed on the Sunday. The origin of this was obvious. Public-houses were originally intended as places of entertainment for wayfarers; but the modern gin palace was an entirely different institution. Anyone standing outside the doors of some of those places at 11 o'clock on a Sunday night would hardly be able to realize the fact that the place was in a Christian land, and the time was the evening of the Lord's Day. He had seen this for himself in various parts of London; and he was pained to see the well-dressed and attractive-looking barmaids who were employed busily serving strong drink to the most miserable and degraded of their sex. The responsibility in these matters rested with the Parliament, for it had the power to interfere. His measure differed in character from others which had been introduced, and that mainly on account of its simplicity. It did not deal with any difficult question like that of licensing or local authorities; it did not raise the question of vested rights, because, in the discussion on the Irish Sunday Closing Bill, the House, by a deliberate vote, rejected the proposal that those interested in the traffic were entitled to compensation by reason of the abolition of the Sunday trade. Vast numbers of people in this country thought the time had arrived when a measure of this kind ought to be passed, and they would eagerly look to the decision of the House to-day. He would strongly urge the Government to state what they intended to do. For some time they

had been in the habit of saying that they would not declare their policy on questions affecting temperance until the Committee of the House of Lords had reported. He would now ask the Government whether they would go as far as the House of Lords' Committee recommended in the matter of Sunday closing. The Lords' Committee, he thought, had been unnecessarily timid; but they had recommended that the open hours in London on Sunday should be reduced from 7 to 4. They proposed that the afternoon opening should be done away with entirely, except for selling over the counter, and that the houses should be closed at 9 in the evening instead of 11. Many friends of this measure thought the great difficulty was in its application to the Metropolis; and he should be very glad to see the Bill passed, even though, as regarded the Metropolis, it was a measure not for total closing on Sundays, but for the amount of restriction which the Committee of the House of Lords had recommended, for, in his opinion, the hours from 9 to 11 were at present the most productive of evil. They had been told that this very question led to formidable riots in Hyde Park some years ago; but that was not the case. What caused those riots was not the Wilson-Patten Act, but a Sunday Trading Bill brought in by the present Lord Ebury. He (Mr. Stevenson) was too anxious for the object he had in view not to accept an instalment of it if he could not get the whole; and he, therefore, wished the Government to say what course they proposed to take with regard to the Bill. He wanted to ask them whether they would not accept the reduced hours which the Committee of the House of Lords had recommended? It should be remembered, for it was a remarkable circumstance, that in the previous movements for restricting the hours on Sundays London had taken the lead, and the large cities next followed, and then the law had been applied to the Provinces. This was the case with the closing till 1 in the afternoon on Sundays; and he hoped that if they closed on Sundays in the Provinces London would follow the example, and that, in the end, they would have one measure applying to the whole of the country. He believed every hon. Member of the House

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was desirous of there being some reduction of the present hours; and he believed the Chancellor of the Exchequer would at once repudiate any consideration that the Revenue would suffer in consequence of the legislation he proposed. He thought that no Chancellor of the Exchequer would interpose the question of a falling off in the Revenue to the adoption of a measure which would promote the sobriety of the people. The great question was this—Was the country prepared for a change? A vastly extended and powerful feeling had been awakened on this question; and, at the present day, the national conscience had been aroused against the great national sin of intemperance. That feeling had of late years greatly increased, even among the working classes, in whose interest it was so often said that those places should be kept open. They saw those places open near their homes, and they knew how evil was their influence. The congregations of the various churches throughout the land were awakening to the evils of intemperance. The Church of England, he believed, was placing in almost all the parishes of the country an organization directed to the reduction of intemperance by moral suasion and every other means; and this was the legislative measure on which all its members were agreed. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) presented the other day a Petition signed by 100,000 members of the Primitive Methodist body, who ought to know, if any persons could, the wants of working men. He attached the greatest importance to the testimony given in favour of his Bill by that body of Christians, who so zealously worked among classes of the population which the other Churches had often failed to reach. The British Women's Temperance League had also presented a Petition in favour of the Bill, signed by 70,000 women, and entirely by women, mostly of the working classes, and many of them wives of publicans. Many of them knew how their marketing suffered on Saturday nights from the competition it had to bear with the public-house in the application of the wages. But if that was bad for them on the Saturday night, how much worse was it for them on the Sunday, when the public-house had an entire monopoly? The Rev. R. Stowell,

of Christ Church, Salford, said in his evidence before the Lords' Committee that the lower they went down in the scale of society the larger was the majority they found in favour of Sunday closing. When they got to the shopkeeper it was less, and when they got to the professional classes—the friends of the working classes, as they called themselves—it was much smaller. He (Mr. Stevenson) was perfectly willing to leave this question to the decision of the working classes themselves. They who represented the boroughs in that House held their seats by the suffrages of those men, and Parliament could not legislate on the question unless it had their consent. He had no fear of them, and he believed that if Parliament did not decide the question now, hon. Members and candidates throughout the country would hear of it in a very emphatic manner during the coming Election. He also quoted the evidence of Mr. R. Whitworth before the Lords' Committee, proving the great loss of work in mines and other industries on Mondays compared with the days in the middle of the week. The Bill was free from some of the difficulties that belonged to other parts of the same great question. It did not raise, for example, the question of the Permissive Bill, or of local option, the merits and advantages of which last he recognized. The Bill addressed itself to a policy which he believed would have the support of every friend of temperance legislation; and he fervently trusted that the next step Parliament would take on behalf of the sobriety of the people would be to pass a Sunday Closing Bill. That feeling was expressed by the extreme section of the friends of temperance—the Good Templars—at their recent gathering. He also believed that it would appear, if we could get at their real sentiments, that the publicans were in favour of this Bill. It was not to be expected that they would very openly express that opinion; but he might mention that at the canvass in Liverpool a large majority declared themselves favourable to some such measure as the present. The other day he presented a Petition from a small number of publicans at Middlesbrough, who expressed the grievance they felt because they, unlike other tradesmen, were deprived of their day of rest. It

certainly seemed anomalous that one particular body of persons, and, of all others, publicans, should be deprived of their day of rest, and he thought too much was said against publicans by friends of temperance in their denunciation of intemperance. They should be charitable to them, and make allowance for the difficulties of their business. If there was any class in the country that needed the physical, moral, and spiritual benefits of the Day of Rest, that class was the licensed victuallers; and he maintained that this Bill was brought forward in the interest of the licensed victuallers themselves. This was not a Party question, and he should be sorry in discussing it to indulge in anything approaching to Party remarks. It had been said, however, that the Government owed a great deal to the support they received from the publicans at the last Election. Whether that was so or not he did not say; but if the Government wanted to show its gratitude to the publicans they would support the Bill, by which they would give them this rest on Sundays, and enable them to enjoy that day in the society of their families, free from the toil to which they were now subjected. Many of them were actually doing for themselves what the Bill proposed to do for them; and he might, therefore, be asked why they did not leave the matter to them? ["Hear, hear!"] He heard the hon. and learned Member for Leeds (Mr. Wheelhouse) say, "Hear, hear!" but the fact was, they could not leave it to voluntary action. Publicans were exposed to competition, and were obliged in self-defence to keep their houses open. There were, however, exceptions to the rule; and he was glad to be able to refer to what Mr. Dawes, a brewer, said at a Sunday-closing meeting at Dudley. After excusing his presence there, he declared himself in favour of total Sunday closing, and said he had 12 houses under his control, and there was not one open on Sunday. They took twice as much on Saturday, however; and they found that the beer kept perfectly bright and fresh. He had received a letter also from a large brewer in the Midland counties, who did not wish his name mentioned, but who was entirely in favour of the Bill. And a brewer in his (Mr. Stevenson's) own district had also given him the opinion that it would increase the respectability of

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the trade. What he had just stated ought to dispose of what had been called "the stale beer difficulty." If a working man bought his beef on Saturday, why should he not buy his beer at the same time? The difficulty was occasioned by the bad beer, which was too common; and nothing would more tend to the supply of good and wholesome beer than the necessity of supplying for the Sunday consumption beer which was sold on the Saturday. Indeed, he should not be surprised to find that if this Bill passed, publicans would announce that they sold beer warranted to keep bright and sparkling from Saturday until Monday. But, however that might be, was it not a miserable reason to assign for depriving hundreds and thousands of their fellow-citizens of their weekly rest, that it was to enable others to buy their beer fresh, instead of compelling them to buy it bottled? The fact was, that the great difficulty with many people was to keep the cork in the bottle from the Saturday to the Sunday; but Parliament need not go out of its way to legislate for that class. They heard a great deal of the Factory Acts, and a great deal of the nine hours' movement, and of the hours during which women were employed in factories. He wondered why the Factory Acts should not be applied to women and young persons employed in public-houses. Public-houses were open just double the number of hours that places under the Factory Acts were. It seemed to him that it was a serious matter indeed, and that it was the duty of Parliament to liberate those persons from their bondage. About 70 Boards of Guardians had petitioned in favour of the Bill. These were public representative bodies; they had to deal with the pauperism, and the insanity, and the evils which afflicted society, and they knew how much those evils were increased by the intemperance which abounded in the land, and that a measure that would reduce intemperance would diminish the burdens imposed on the ratepayers. These Petitions in favour of the Bill had been sent up from the most various districts of the country, from large seaports, and mining and manufacturing, as well as rural communities, and had been sent up also from as many as 21 Corporations. There was a Petition from the Salford Corporation, from which he quoted; and,

indeed, throughout the North of England there was an extraordinary amount of unanimity in favour of the Bill. In the borough he represented—South Shields—the Town Council and the Board of Guardians were unanimous in petitioning in favour of the Bill. An open-air meeting on the subject, which was held in the market-place, was attended by 2,000 people, and a resolution in favour of the Bill was unanimously adopted on the motion of the vicar. There had been a Petition in favour of the Bill from Leeds, among other places. He had attended meetings on the subject in various parts of the country, and had observed an entire absence of opposition to the Bill—a fact which was altogether unaccountable on the supposition that any considerable portion of the people were opposed to it. He maintained that the burden of proof in this matter rested with those who defended the present glaring exception to the general law of the country. It was to be observed that not a single Petition had been presented against the Bill, no Notice of opposition to it had been given, and, as yet, he did not know from what quarter it was to come. He would point out that the Bill did not interfere with the *bona fide* traveller, or with the lodger. They had been influenced in the debates on the Irish Sunday Closing Bill last year by the proof that a large majority of the Irish people were in favour of that measure. The proportion for the present Bill in England was quite as large. It was, at least, as eight in favour of it to one against. Out of 703,886 householders to whom they had sent questions as to their approval of the Bill or otherwise, 586,199 had answered "Yes;" 73,944 had answered "No;" and 43,743 were indifferent. Proof of the popular favour with which the Sunday Closing Bill was being received in Ireland would accumulate from year to year, and it would become at length impossible for Parliament to refuse a similar Bill for England. In Scotland, the Forbes-Mackenzie Act had proved most beneficial. The fact might be disputed; but it had been accepted by Parliament when it adopted a similar measure for Ireland. If it was still doubted, he would refer hon. Members to the evidence of Captain M'All, the Superintendent of Police at Glasgow, and other witnesses, which

was to the effect that drinking had diminished in Scotland. This matter could not rest there. They might oppose the Bill or they might not. The Bill might be defeated; but those who advocated it would still persevere. Parliament could not shut up the conscience of the country in this matter, and it would continue to make this demand until the Bill was passed. He wanted the Government to tell them what it would do. Would they turn a deaf ear to the Christian and philanthropic sentiments of the country? He trusted they would not; but that this Parliament, in its expiring days, would do itself the honour of passing a measure for closing public-houses on the Lord's Day.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Stevenson.*)

Mr. WHEELHOUSE said, that if other duties had not called him away from London he would certainly have put down Notice of opposition to the Bill; for at least, on this as on other matters, he had the courage of his opinions. He did not put such Notice down, because he thought it probable he would not be able to be present to support the views he held on the subject. So far as the Bill was concerned, whatever the Government might say as to the length they were prepared to go, there could not be the slightest idea that this Bill could pass the second reading to-day. He would be extremely surprised to find that the House would be influenced by arguments such as had been advanced, or by the pressure brought to bear by a number of people who were continually endeavouring to impress upon the mind of the House that they, occupying a different position, knew infinitely better what was best for the class for which they sought to legislate than did the class most interested. Who cared for the opinion of teetotallers, Quakers, and other people, who were everlastingly telling him they were better than he was? Let them continue to enjoy that opinion; but, because they held hard, narrow, sanctimonious views, was he to be subject to coercion? He disavowed and repudiated such an idea in the strongest language. Who were they, who sought to dictate to the wage-earning classes what they should eat,

what they should drink, and when they should eat, and when they should drink? At the bottom of this attempt was a large body of teetotalers, who did not really care half as much about closing public-houses on Sundays as they did for the total suppression of the sale of intoxicating liquors. It was a teetotal, not a temperance movement. It was one of six or seven steps by which these people were constantly pestering and harassing the House in the attempt to close public-houses altogether. Those who asked for this Bill preferred to ignore the fact that every publican might now, if he liked, shut up his house on Sunday. There was a hardship, it was said—but where? The sole hardship they could see was that, on the only day when the workman could really enjoy the comforts of home among his family, then he should be deprived of his glass of beer. Sunday was a day set apart for rest and recreation. It had been set apart by Divine Providence, or, at all events, by human institution, for purposes of rest and recreation; but to say that Sunday—or, as it was often called, the Sabbath, which was a Jewish institution—was to be devoted simply to church, to chapel, to psalm-singing, and other matters of that kind, was a view of things he did not agree with, and which he did not think would receive general acceptance. Friends of temperance, it was said, were unanimously in favour of this Bill. Well, he hoped he was as strong a supporter of the principles of temperance as any man alive, and yet no man detested this Bill more than he did. He detested it, because it was class legislation; it was an attempt to deal with the poor man's right by a minority who knew that such legislation could not affect themselves. If it was desired to adopt such legislation, let it be fairly applied; and, while shutting up the poor man's club—the public-house—let the rich man's club, as well as his own private cellars, be closed also. "Give us," said the supporters of this Bill, "give us this instalment, and you may, if you like, omit London from the purview of this measure." But why? Why except London, if the Bill was a good Bill? Especially, when the hon. Gentleman who moved the second reading of this Bill said he was in the habit of visiting public-houses in London on Sunday, and

said he saw such scenes as he was sorry to witness. Then, why except London? Was it from motives of expediency? Was this the thin edge of the wedge? Let the promoters of this Bill know they never would get in a wedge by such a measure as this. If it be good to omit London, why not also Leeds, Manchester, Liverpool, and all the shipping places? Was London remarkable for Sabbatarianism? Could London be trusted more than Shields? He hoped Shields was not a drunken place, though the same rule should apply there as in London. It was a measure of liberty he was told, not of restriction; but was not a man free to keep out of the public-house if he chose? Why, the whole foundation of the Bill was restriction.

MR. STEVENSON: I said liberty for the servants employed in these houses.

MR. WHEELHOUSE: But that was not what was first said. Liberty was claimed for the Bill as a broad principle, liberty and not restriction; whereas the whole *corpus vile*, if he might so name it, of the Bill was restriction of the liberty of the subject, an attempt to deal with the habits of working men by those who really knew very little of the phases of the working man's life. Who asked for it? He could understand Boards of Guardians and Town Councils, who never put the restriction upon themselves, saying—"Let us do this for other people;" but would these Boards of Guardians, and other bodies represented as being eager for this Bill, would they except themselves, save only those individuals among them who were in the habit of drinking water only? Would these bodies submit to have this restriction placed upon themselves upon Sundays? Yet they thought it right to attempt to teetotalize others. Then, to his astonishment, he was told that publicans were the only class of trade continued on Sundays. Were there not railway companies running their trains on Sundays from end to end of the land? Did the hon. Member think he could put a stop to this day's traffic? Why, it was well known that many of the companies transported a very large part of their goods-traffic on Sundays. Did the hon. Member never hear of vessels leaving port on Sunday? Would he put this restriction on the shipping trade? Look at the cigar shops he would find open on Sundays from end to end of

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London. Let the hon. Member change his investigation from public-houses to railways, and he would find, if not at Shields, yet at the larger places, on Sundays in the booking-office, scores and scores of packages being invoiced by clerks; and he would find that in saying publicans were the only traders carrying on business on Sunday he had fallen into an extraordinary error. This was part of the large intention, attempted to be carried out by various methods, to suppress the trade altogether. It was a more insidious plan than that of the hon. Member for Carlisle (Sir Wilfrid Lawson), and it was all the worse for that; but it was part of the whole scheme of those who sought by this means to improve people by Act of Parliament. Every attempt at this kind of coercion he should resist. To the question, was this a practical measure, he at once answered no. It had been tried, and it would be idle to say that the Sunday Closing Act of 20 years ago would ever have been repealed if it had not been apparent that the feeling of the country was so strong that they would stand this coercive legislation no longer. The House at that time, he was told, "took a panic;" but panics were not usual in the House of Commons since the days of Cromwell, and the House was strong enough to support its own views. The only panic was, that someone found they had taken a step in the wrong direction, so far as England was concerned, and the English Legislature took upon itself, wisely for once, to go back on its own steps and redress the error it had committed. If, some 20 years' ago, it was thought desirable to retrace such a step as this, how could it be supposed that, with the increased intelligence and sobriety of the present day, that attempt could again successfully be tried? Surely it was infinitely better to let the matter remain as it was, and not attempt such legislation as this. It was hoped, said the promoter, that London, sooner or later, would follow the lead of the country—supposing this Bill applied to Leeds, Manchester, and other towns—but what assurance was there of this? It was something like that assumption on which so-called Free Trade was supported. It was said that if England adopted the principles of Free Trade foreign countries would follow; but the foreigner knew better,

and London knew better than to adopt such a notion as that embodied in the Bill. They were not prepared for this change, and, indeed, if any change at all was wanted, it was in a totally opposite direction. It was not by this attempt to force people into spending all Sunday in church or chapel that they could make them good. They must give them other means of recreation. ["Hear, hear!"] He was glad to hear that cheer; but how many hon. Members who supported the Bill would support another Bill for opening museums and other places of recreation? Why, there would be an outcry wild from the same men who supported this present Bill. Sunday, they would say, was a day for religion and piety only, and so it was, but not in the sense taught by some on the other side of the House. Their idea of religion and piety was associated with the idea of all Sunday passed in churches, chapels, or meeting-houses. They would deprive the wage-earning class of this opportunity of self-help and recreation. This, they had been told, was not a Party question; but he said distinctly it was. Not a question to any extent between political Parties; but it was a Party question, in the sense that it was maintained by a party of teetotallers and would-be Pharisees against the rest of the world. Of what value were the Petitions alluded to? Why, they were all made in the same mould—got up by deacons of Independent chapels, preachers of one sort and another, and in a set form of language; they all looked upon intoxicating drink sold on Sunday as a great promoter of crime. Then, again, there was the sentiment, that could come from none but a teetotaller, that beer could be preserved as "bright and sparkling" from the Saturday to the Sunday, as when it was drawn and drank on Saturday. It required but little knowledge of beer to discover the fallacy of this; and what lecturer in chemistry could have taught the doctrine the hon. Member enunciated it was impossible for him (Mr. Wheelhouse) to imagine or discover. This was added, with a touch of satire—that there might be a difficulty in keeping the cork in the bottle; but this was calumny upon the wage-earning class, who year by year were more or more practising habits of self-control and sobriety. If a man chose to get drunk, then the law was

strong enough to deal with him; but why punish all for these transgressors? Whatever there was in the oft-quoted example of the Forbes-Mackenzie Act, let it not be kept out of sight that there was this difference—that the customary drink of England was beer, and in Scotland and Ireland whisky, and whisky would keep for a day without deterioration. Canvass the wage class fairly, put to them questions likely to elicit their real opinions, instead of cut-and-dried prepared inquiries, and there would be overwhelming opinion against this coercive measure. For example, let some such inquiries as these be put to them:—First—“Do you think you can manage your own households for yourselves?” Second—“Do you want any interference with your domestic life by the Legislature?” Third—“While everybody in a different station to yourselves is left with his own cellar and his club, to go to whenever he wishes or desires, are you willing—not to say anxious—that you should not be able to get a glass of beer or spirits, except you buy the beer at least the day before you want it, if you desire to have it for your Sunday’s dinner; or a little brandy, even for medical purposes, on a Sunday, to find yourself in some difficulty to get it?” And they would very soon find out the true feeling of the wage classes. On such a subject as this, he did not require any House of Lords’ Committees to show or prove the general feeling. In one observation made by the Mover and his Friends he (Mr. Wheelhouse) fully concurred. They were told that this movement never should cease. Of course, with the House of Commons, as it was constitutionally formed, it was quite true that if hon. Members, though defeated, year after year, Session after Session, would still persistently continue to waste the time of the House and of the country, by reiterating and persevering in abortive attempts at legislation of this kind, no one upon earth could prevent them doing so; but how far they were justified in that proceeding was a wholly different matter. If they were so determined, no one could prevent their acting up to the old adage—

“Never ending, still beginning,
Fighting still, and still destroying.”

But any such work would be found too Sisyphean-like ever to succeed. He had

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no hesitation in condemning this Bill as embodying class legislation of the most objectionable character, as being an unjustifiable interference with the fair liberty of the wage classes; and he, therefore, moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Wheelhouse.*)

Question proposed, “That the word ‘now’ stand part of the Question.

MR. BIRLEY said, he should give his most cordial support to the Bill. He believed that the sentiments of the country were steadily increasing in favour of this measure, and that the most beneficial results would follow its adoption. His hon. Friend who introduced the Bill had quoted from the evidence given before the House of Lords, in which it was stated with great truth that the further you penetrated, the lower down you went in the social strata, the more earnest was found to be the feeling in favour of closing public-houses on Sundays. That was very natural, because it was the lowest classes who felt the evils of the present system the most acutely. He had had some opportunity, at public meetings and elsewhere, of testing the opinion of the labouring and artizan classes of Lancashire on the subject, and he had been surprised at the amount of enthusiastic support which they gave to this Bill. The working men of Lancashire were men who gave one the idea that they would hold their own opinions, and were as anxious to prevent any interference with their liberty as any class in England, and yet they were in open meetings almost unanimous in favour of this measure. The hon. and learned Member who preceded him (Mr. Wheelhouse) had said that he thought nothing of Petitions, and thought nothing of house-to-house visitation, by which an endeavour had been made to ascertain the views of the people of this country, and had been successful in ascertaining the opinions of something like 750,000 heads of families. The hon. and learned Member for Leeds (Mr. Wheelhouse) said he thought nothing of all this; but he must confess that he attached much importance to it. He was glad to see that this movement was now

extending to the higher branches of society. They had had a Petition presented to that House, signed by 14,000 or 15,000 clergymen and other ministers of religion, and there was now an association called the Church of England Temperance Association which had taken up this question, and he thought that was sufficient to show that the higher and middle classes of this country were also in favour of the measure. Last year they had a great contest in that House on the subject of the closing of public-houses on Sundays in Ireland; and it would be in the recollection of all present that the measure received the support of Her Majesty's Government, given at first, it was true, very reluctantly, but afterwards, he would say, very loyally. Although the progress of that measure was obstructed by some very long debates, and upwards of 40 Divisions, it was at last carried. After being carried in that House, the Bill was sent up to the House of Lords, and in the House of Lords it met with no opposition whatever, but, in the course of two or three nights, passed into law. Whilst the Bill was in the House of Lords one short speech was made in which it was said that it was a tentative measure, and the speaker said that he trusted it would be extended to this country if it was found to work successfully in Ireland. He might say that, so far as experience showed at present, that Bill had been highly successful in Ireland. It was, perhaps, too soon to speak very positively; but certainly, from all the information which had been afforded to the House up to the present time, the measure had been very successful in diminishing intoxication and promoting the public peace in Ireland. He did not suppose that they would hear from the Treasury Bench or from the lips of any hon. Member in the House to-day that there had been any serious cause to regret the passing of that Act. It might be that some objections might be raised to that Act, even now, and it was possible that the hon. and learned Member for Leeds (Mr. Wheelhouse) might still object to it; but when the Bill was under discussion in the House of Commons, the hon. and learned Member for Leeds said that if the Bill was valuable its operation ought to be extended to England, and that Ireland ought not to have the exclusive benefit of it. That

was his own view, and he wanted to extend the benefit of that measure to England. It was certainly in the minds of the supporters of the Bill last Session that that would be the case. They might on this question vary "a saying very old and true"—

"If that you will England win,
Then with Ireland first begin."

He ventured to appeal to all hon. Members of the House, whether from Ireland or Scotland, which had analogous measures, Scotland having had the benefit for many years, and Ireland only lately, to give their cordial support on this occasion, for the purpose of conferring a similar advantage upon England. It was true that the Select Committee of the House of Lords had only just made its Report, and that in their Report they did not venture to recommend the total closing of public-houses on Sundays; but they did recommend a diminution of the hours on Sundays. He should not go into this question now; but he hoped that Her Majesty's Government would take it into their serious consideration. But the reasons given by the House of Lords were not that it was undesirable to close public-houses during the whole of Sunday; but they doubted whether public opinion was sufficiently ripe for such a measure. His opinion was that the opinion of the English people was quite as ripe for the passing of such a measure as the opinion of the Irish people was last year; but there was this difference—that the classes who were less exposed to the evil and demoralizing effect of the opening of public-houses on Sundays were not so convinced of the necessity of measures being taken in England as they had been with regard to Ireland. He had always consistently supported measures for closing public-houses on Sunday, believing that though it might, in a few instances, in some degree inconvenience those who would otherwise make use of them, yet that the benefit to the community generally would counteract the inconvenience. He supported this measure because every movement in the direction that he and others who supported the Bill had in view was useful. He wished to give one or two reasons in support of his opinion. Taking the case of the spirit vaults and gin palaces, it had been said frequently in these debates that England was under

entirely different circumstances from Scotland and Ireland, because in England the people drank beer, whilst in Scotland and Ireland they drank whisky. He thought if that was the case there could not be any objection to closing spirit vaults and gin palaces on the whole of Sundays. They heard so much about the deterioration of beer if kept a night after being drawn that he would really venture with some diffidence to give his own experience to the House. In his school days he remembered that the fresh beer was not very good, and it was a custom to put the beer in a bottle with a little rice and a few raisins, and that improved it very much, and it was more enjoyable than the fresh beer. Then, the question of clubs had again been raised in this debate. He thought that the experience of most hon. Members in the House was that there was no real analogy between clubs and public-houses—but, even if there was, he thought that members of clubs would not refuse to consent to their being closed on Sundays rather than continue an acknowledged stumbling-block to the success of this Bill. But the working men could have clubs themselves, and they had clubs, and he believed that working men would have more clubs than they now had if the public-houses were closed on Sundays. The fact was that public-houses were a very extravagant and expensive kind of clubs, besides being clubs of a very unsatisfactory character. There a man was expected to drink “for the good of the house.” Very much had been said about gentlemen having their own cellars and working men not being able to keep a cellar; but he did not think it was worth while to go into such an argument. In his school days, when he tried the experiment with the beer which he had related to the House, the boys had their cellars, and working men could do the same. He thought it would be very easy for a working man to keep a cellar, or a similar receptacle. There was another argument which he must refer to, and that was the supposed increased private drinking that would result from the closing of public-houses. Hon. Members in that House had often dwelt very emphatically upon that question; but he was glad to find that the experience of Scotland and Ireland was in a contrary direction. He was aware that many excellent persons had demurred to

the closing of public-houses on Sunday on that ground; but he could not think their view was well supported. He had nothing more to say except to express a hope that there would not be any extreme opposition to this Bill. He should give his vote to the hon. Member opposite who had introduced the Bill. The matter could not rest where it was, for there was a strong and general feeling throughout the country at large, from north to south, which would not be satisfied until the same justice which had already been given to Scotland and Ireland was given to England.

MR. COWPER-TEMPLE observed, that the hon. and learned Member for Leeds (Mr. Wheelhouse) had described the Bill as a coercion Bill; but it should be remembered that all legislation was more or less coercive. He maintained that if they examined the Returns prepared on the subject, it would be found that the proportion of the opinion of the ratepayers would be found to be eight to one in favour of the Bill. The cry of “coercion” against the measure which had been raised was easier to advance than an argument. His opinion was that if any element of coercion were contained in the proposals of the Bill it was the coercion of the vast majority of the people. The overwhelming portion of the people were in favour of the reform, and why should they not obtain it? Scotland had for a large number of years had this provision, and, so far as the House knew, Scotland was perfectly satisfied. Ireland had made the experiment, and they had heard nothing against it. Why not extend the same privilege to England? One objection made was, that while the Scotch and Irish peoples drank spirits, the English were a beer-drinking people, and, therefore, did not need so much restriction; but, in his opinion, the consumption of gin and brandy in this country was large enough to justify the passing of this measure. Then, there was a strong point in favour of the Bill, which was that the publicans themselves, to a certain extent, desired such a measure. It was said that they were already free to shut up their houses on Sunday if they pleased; but that was no real freedom. If any individual publican were to shut on Sundays, he would lose so severely in pocket that he could not be expected to do it. What was wanted was

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an Act to make all close equally, and not allow competition on Sunday between publican and publican. Many publicans said they should be glad of a day of rest, and they groaned under the tyranny of a trade which compelled them to open their houses on Sunday. On the other hand, a large number of the Sunday frequenters of public-houses, who could not resist the temptation of the open public-houses, but who used them against their better knowledge, would find it a boon if these houses were shut up. The question, no doubt, would arise as to where the people who frequented public-house on Sunday afternoons and evenings would go, and where they would spend their time; but to close the public-houses would encourage a great movement to give the working-classes other places to go to. It would give strength to the question of opening the museums, and would give a remarkable impetus to the establishment of working-men's clubs; and the passing of this Bill would be the commencement of an extended movement for the benefit of the social improvement of the working classes. He should support the Bill, not with the view of curtailing the present advantages and privileges of the working classes, but with a view to the increase of their real comfort, enjoyment, and benefit.

MR. RODWELL said, he approached this question with some diffidence; but he felt that in opposing the Bill it was due to himself and his constituents not to give a silent vote. The hon. Member who brought the Bill forward said that no Christians, philanthropists, or good men, could oppose it; such a statement placed himself and others in an unfair position. The hon. Member for Manchester (Mr. Birley) was a member of several diocesan temperance societies, and so was he; the last hon. Member who had spoken (Mr. Cowper-Temple) was an advocate for coffee-taverns, and so was he. Yet, while he was as interested in the promotion of temperance as other hon. Members, still he did not see his way to support this Bill. The hon. Member for Manchester argued that public opinion was ripe on this question; but, from statistics he had been able to get, he could not agree with the hon. Member. He had a pamphlet, issued by the Lord's

Day Observance Society, with reference to the working of the Licensing Act of 1872, which had an important bearing on this subject. The question was whether or not the Lords' Committee were right in believing that public opinion was not yet ripe for such a measure? He himself had not yet heard anything from the supporters of this Bill of the ill-effects of the passing of the Act of 1872, except in the case of the Metropolis, which, curiously enough, was not to be included in the operations of the Bill. In the pamphlet he had referred to, the following question had been asked:—

"Would you wish to see any alteration in regard to the regulations of the Act of 1872 with reference to the Lord's Day; and, if so, what change would you desire?"

The police were canvassed for an answer to that question; and the police of 64 districts were in favour of leaving the Act as it was, one district reported in favour of relaxing the restrictions, 20 for further restrictions, and only 27 out of the 112 answers urged total closing. The police, indeed, in their answers, testified to the great and beneficial results of the Act of 1872, and thought it would be a pity to disturb the Act; while some thought there would be a great difficulty in enforcing the closing of public-houses on Sunday. Then the magistrates had returned 33 answers, and only nine of them were in favour of total closing; and out of 187 replies from clergymen and other persons only 63 were in favour of it. Of course, many of these answers were given from an entirely Sabbatarian point of view. That evidence led him to doubt seriously whether this was an opportune time to make any change in the present law; or whether, when the Act of 1872 was working so well, it should be interfered with. There were, no doubt, many persons who would be glad to shut all the public-houses, and do away with the use of alcohol; but the question was, whether they should disturb the present law or not? To close the public-houses on Sundays would create a great deal of ill-feeling without promoting the cause of temperance. He was not indisposed still further to contract the hours during which the public-houses were opened on Sundays, so far as to say that no one but a traveller, or a person requiring it for his family, should

be served with drink in a house, and to place some restrictions so as to prevent what had been designated "clubbism" in licensed houses on Sundays. He was as much opposed as any to public-houses being opened for mere tippling and joviality; he only cared for the accommodation of the traveller and the supply of the drink required for family meals, which it would be tyrannical to deny to those who could not otherwise keep it in condition. Then, there was another point to be considered, and that was that Sunday closing would probably drive people who now drank beer to drink spirits, because they kept better than beer, which would be most disastrous to the country. He was of opinion that no case had been made out for altering the law; and, although he was a strong advocate for temperance, he should vote against the second reading of this Bill.

MR. PEASE said, that he, for one, would be quite willing to adopt the compromise suggested by the last speaker, and merely have the houses open at reasonable hours for the convenience of those who desired drink for their meals; for he wished to avoid, what would be a calamity—the substitution of spirits for beer. But as to the general protests against restriction, this was a restricted trade; and it was an admitted fact that, on the whole, people had been made better by Acts of Parliament imposing restrictions. There was no doubt that the working classes in great numbers were in favour of this Bill; and yet the hon. and learned Member for Leeds (Mr. Wheelhouse) got up in his place and said that this measure was not wanted. He (Mr. Pease) wanted to know who it was who objected to the Bill? There were no Petitions against it from his own district, while there were a very large number in favour of it. The public opinion of Leeds had been tested in various ways, and always with the result of proving that an overwhelming majority of the people were in favour of this Bill. In Manchester, Blackburn, and other great towns, there was a preponderance of public opinion in favour of the Bill. The people themselves desired it, and employers of labour had good reasons for desiring it also, owing to the large percentage of workmen who now absented themselves from their duties on Monday. In fact, it was the

general opinion that the working classes would be more sober, happier, and better off, if public-houses were closed on Sunday. Public opinion in the North of England was ripe and ready for the Bill—indeed, he believed that if they canvassed the working men from town to town a large proportion would be found to be in favour of it. The old cry that it would lead to shebeening had been raised. He did not believe that it would, because, from inquiries he had made, he was convinced that shebeening did not arise so much from the desire of the public to get liquor as from the avarice of the lowest class of brewers, who, for their own purposes, set up men of their own in shebeens and paid the fines they incurred. A large number of the licensed victuallers were in favour of the measure. In an iron district of Wales 31 publicans asked for Sunday closing, 11 were against it, and 11 were neutral. In Liverpool 954 drink-sellers were in favour, and 254 against it. In Wisbeach all were in favour of closing. The six days' licence did not meet the question, because the publicans would not like to see their customers go into other houses because their own were shut up. The licensed victuallers desired to have their day of rest like other people; but they naturally said—"What you do for one you must do for all." He therefore asked the Government to put England in the same position as Ireland and Scotland. He advocated the second reading of this Bill—although, if the House came to the conclusion to put in a clause to open public-houses for a few hours for the sale of beer to be drunk off the premises, he should not object to that compromise; but further than that he was not disposed to go.

EARL PERCY agreed that Sunday closing was a question of the immediate future, and that the well-being of the working classes would probably be promoted by it, though not, perhaps, so much as hon. Members supposed; but he doubted whether public opinion was yet ripe for it. The mass of opinion cited by the promoters of the Bill was only, after all, a fraction of the public opinion of the country. He should like to know what the clergy and the magistracy, for instance, had to say to it. Certainly, before Parliament legislated in the sense proposed, they ought to have a larger basis of public opinion to

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go upon than they had at present. The measure seemed to him to share the general failing of measures of its class—it was too stringent. He believed the friends of temperance would gain more than they did if they asked for less; because, by the Permissive Bill, and even by Bills such as the present one, they placed him and others under the necessity of appearing to oppose their views, while they really, to some extent, shared them. This Bill did not involve any question of principle, but rather the well-being and convenience of the general public. The presumption was in favour of closing public-houses on Sunday; but it was idle for the hon. and learned Member for Leeds (Mr. Wheelhouse) to contend that Parliament had no right to interfere with the sale of beer on Sunday. If he had not been decided before he came down to the House, the speech of the hon. and learned Member for Leeds would have determined him to vote for the Bill. A cause that had so little to be said for it must be a very bad cause indeed. The question they had to consider was, whether this Bill would be for the convenience of the country? and he should like to see the opinion of the working classes fully expressed upon the subject before any Act was passed. That did not seem to him to have been done yet. He also would like to have the opinion of the clergy and the magistracy; and he trusted that those who had charge of the Bill would take steps to get those opinions. The matter had not been put before the householders, and the present House of Commons would not be justified in passing this Bill without a larger basis to go on than they had at present. He had based his arguments in favour of the measure, as far as they went, in the absence of any evidence to show that it would interfere with the convenience of the people; but he could not believe its effects on the morals of the people would be so great as it was supposed. In Scotland, for instance, there had been of late a marked increase in private drinking, and when staying at Edinburgh he had met a gentleman in the streets very drunk at 10 o'clock on Sunday morning. This Bill went a long way beyond the suggestion of the House of Lords' Committee, and that fact would prevent many hon. Members voting for it. It was, also, a very bad practice for

Members to bring forward a measure for one thing, and then for the House to be told that they would adopt another. Many hon. Members were in favour of partial closing, and yet they were forced to vote on a question of total closing.

MR. C. H. WILSON, in supporting the Bill, said, that the speech of the hon. and learned Member for Leeds (Mr. Wheelhouse) had been, up to the present time, the only one that could be called in any way an opposition *con amore* to the measure. In former years they had had many hon. Members putting down Notices of opposition to this Bill; but whether hon. Gentlemen had changed their minds or not, certain it was that, on the present occasion, they had not displayed any such opposition. Among those who opposed the Bill on former occasions was one of the hon. Members for Scarborough (Sir Charles Legard), who probably had changed his views on finding that 2,952 persons in that borough were in favour of total closing, as against 326 who were opposed to that arrangement. Perhaps that strong argument had its weight with the hon. Member. They had been told by the hon. and learned Member for Leeds that they on that (the Opposition) side of the House were in the position of pharisaical teachers of sobriety. But he thought they would be able to show that this preaching of sobriety would add to the prosperity of the country. Very few on this side of the House brought forward this measure as a total measure, and wished to deprive the poor man of his beer; but they thought their action in obtaining the passage of this measure would tend very much to increase the prosperity and sobriety of the working class. Among the arguments against the Bill was one that while the working man would be prevented from purchasing a glass of beer on Sunday the clubs were open to the wealthy. Well, if the Metropolis were exempted, he did not know where clubs existed in which the upper classes were on Sundays provided with drink to any extent. They, therefore, considered that the Metropolis was altogether an exception. The Metropolis was always filled with thousands of strangers, who were compelled to make it their home and go to the clubs. It might, therefore, become necessary in

Committee to exempt the Metropolis from the operation of the measure. An argument of this character was also raised against the Irish Sunday Closing Bill, and in consequence five of the largest towns in that country were exempted from the Act. In the same way, there was nothing to prevent the hon. and learned Member for Leeds from inducing the House to exempt the town which he represented. The hon. Member for Durham (Mr. Pease) proposed that there should be one or two hours set apart in the course of the day for the public-house to remain open for the purpose of supplying drink for supper and dinner. He (Mr. Wilson) believed his hon. Friend who had introduced the Bill was quite prepared to accept a suggestion of this sort—that would carry great weight with many hon. Members, who were fully aware that this was a great social question, and that the alteration would give them an opportunity of voting for this measure when they could not otherwise feel justified in doing so. The noble Earl opposite (Earl Percy) had spoken of this as a new measure; but he would remind him that it had been before the country for a very great number of years. A large number of earnest men were devoting their lives to this measure. They were holding meetings all over the country, and Petitions were being sent up to the House by hundreds—indeed, he might say by thousands—in favour of this Bill. Where at those meetings were the opponents of the measure, who had it in their power both to speak and petition against it? They had not done so. Several other lines of argument had been used against the Bill; but nearly every one of them had been met by the speakers who had addressed the House. At that time, when it was essential that a Division should be taken, in order to know who it was that supported or opposed the Bill, he would not trespass any longer upon the patience of the House. Before concluding, however, he would only say that his hon. Colleague presented yesterday to the House a Petition in favour of the Bill from the Town Council of Hull, and which bore the corporate seal. Petitions from other Town Councils and Boards of Guardians had also been presented; and if they were not to assume from those Petitions that the feeling of the country was

strongly in favour of this measure, how was the House of Commons to be assured of the sentiment of the country? So far as his own constituency was concerned, he could assure the House there was a strong feeling there, not only among the inhabitants generally, but among the clergy of all denominations. He would appeal to country Gentlemen on the other side of the House to say what they did on their own properties. They were accustomed to shut up public-houses wherever they were able to do so; and, where they had shut them up, when had they a Petition from the tenants to open them again? Such a thing was unknown throughout the length and breadth of the land. The House might depend upon it that this measure would deprive a great majority of the working classes of temptation, and that in talking of robbing the poor man of his beer they were only stating half of the question, for they did not consider that the temptations of the public-houses robbed poor women and children of half their substance. This was a greater question than any hon. Members thought, and they who were interested in the commercial prosperity of the country knew that it was absolutely necessary that certain checks should be put to this great and growing evil.

SIR JOHN KENNAWAY declared that, as the proposed legislation would greatly interfere with the social arrangements of a large number of the people, who would be deprived by it of an undoubted convenience to which they had hitherto been accustomed, the subject ought not to be approached lightly, or for the mere sake of imposing upon others a particular set of views, imported, to some extent, from over the Border, as to how the Sabbath should be kept. Nevertheless, the weight of opinion in its favour, as expressed by some 500,000 householders, and the favourable results of similar measures in Ireland and the Isle of Man, had overcome his hesitation to support it. The lower one went into the social scale the stronger did the feeling in its favour appear to be. As for the magistrates, and the well-to-do classes generally, they were rather loth to express an opinion in favour of depriving the working classes of comforts and advantages which they themselves possessed. The fact that no active support was given

Mr. C. H. Wilson

by them to the Bill was, therefore, no argument against such legislation being tried. The publicans themselves, he believed, were favourable to it. They could not well be otherwise, seeing that it would give them what they now much needed, one day of rest in the week. Under the present state of things, bar-men, barmaids, and others employed in public-houses, were employed for 17 hours on each week-day, and for seven hours on Sunday. He thought it was unnecessary and undesirable that public-houses should be kept open for so many hours as at present; and, therefore, though he did not approve of total Sunday closing, he should be in favour of restricting the hours of Sunday opening; but such a change in the law should be attended by provisions whereby liquor might be bought on Sunday at a public-house for consumption off the premises.

MR. HIBBERT said, he thought the promoters of the Bill must be very well satisfied with the discussion which had taken place. There had really been no substantial opposition to the second reading. The hon. and learned Member for Cambridgeshire (Mr. Rodwell), after opposing the measure in a temperate and moderate manner, ended by suggesting an alteration which, to a certain extent, received the support of the promoters. The noble Lord opposite (Earl Percy) opposed the Bill, because he thought it was desirable that public-houses should be open for outside sale during one or two hours on Sunday; and he added that he thought it a very bad practice that a Bill should propose one thing, and that the House should then be asked to decide upon another. But that was the practice with respect to every Bill that was brought into the House. It was so with the last Reform Bill, which came in saying one thing, and went out saying another. Therefore, he did not think they had a right to find fault with the hon. Member who brought in the Bill because he said he would agree to modifications of it according to the wishes of those who supported its principle. He was himself of opinion that there would be a serious difficulty in the way of closing public-houses entirely on Sundays without allowing the sale of beer; but he should be prepared to support the second reading, if the Mover would

consent to a modification that public-houses should be open for an hour in the middle of the day, and an hour in the evening. This was no new proposal. Similar recommendations had been made by Committees in 1834, and again in 1854; and he ventured to say that as the restriction had been increased drunkenness had decreased, and there had been more order and sobriety. The hon. and learned Member for Leeds (Mr. Wheelhouse) would, probably, have made the same speech against those restrictions which had proved of so much advantage to the country, as against the present measure. He seemed to be satisfied with the law as it stood, because he said it gave satisfaction. But what was the fact as to the present law in Manchester and Liverpool, where the greatest number of apprehensions took place in the whole country for drunkenness? In Liverpool there were 2,233 licensed houses, 1,911 being public-houses, and of that number only 222 were closed on Sundays. In 1878, the apprehensions for drunkenness were 14,700, and of that number 5,000 were on Saturdays, 2,200 on Mondays, and 1,700 on Sundays. Was that satisfactory? Again, taking the hours during which the arrests were made, he found that out of that 1,700 only 17 were made prior to 3 o'clock in the afternoon, and that by far the largest number was made at a late hour at night. The example of Manchester supported the same view. In that city there were 2,583 licensed houses, 2,100 being public-houses, and 483 beerhouses, and in the year 1878 there were 7,974 apprehensions for drunkenness. Of that number, 2,617 were on Saturdays and 1,223 were on Sundays, Sundays in Manchester being the next greatest number of apprehensions for drunkenness to Saturday. It was also the case in Manchester, as in Liverpool, that there was the greatest number of Sunday apprehensions between 12 at night and 1 in the morning. That, surely, was a fair argument in favour of a change of the law; and, on that account, he thought they would be perfectly justified in imposing further restrictions with regard to the closing of public-houses on Sundays. In Ireland, the result of Sunday closing was a diminution in the arrests for drunkenness from 2,040 to 707, and the change had proved one of the most beneficent that ever

came to that country. He hoped that when the Government expressed their opinion on the question they would deal with it as one affecting the happiness of the people. They had been told that the country was not ripe for the change; but he ventured to assert that the country was in advance of the House of Commons, and the discussion of to-day showed that the House itself was more ripe for it than it was three years ago. He trusted that the Government would show they were willing to progress in their legislation on this subject, and they would have the support of the country.

SIR HENRY SELWIN-IBBETSON, speaking on his own responsibility, and not for the Government, said, he should vote against the second reading of the Bill. The Bill proposed shortly and decisively to close all public-houses on Sunday. This proposal opened two questions, the first being—Were we, as a country, ripe for this total closing? and the second—What were the necessary means to enable the House to effect this closing without injury to the public generally? There was no doubt that closing public-houses on Sunday affected principally the lower classes, who, for the most part, enjoyed but one holiday in the week—namely, Sunday. The classes to which he referred had been accustomed to avail themselves of the public-houses, during the past history of the country, as places where they could meet their friends and assemble on this holiday. He had always felt that those who were in a position above that of the working classes, and who were able, to a certain extent, to indulge in their own clubs or places of amusement on Sunday, should hesitate long, and be convinced of the advantages and necessity of closing the public-houses, before attempting to deal with others as they did not deal with themselves. The tendency of legislation in the past had been to create clubs among the lower orders; and he feared that in abolishing the power of using public-houses the House would simply be setting up public-houses under another name, for the lower classes might find that in their clubs, which would not be under the control of the legitimate authorities, they could get that amount of liquor which they were at present accustomed to have on Sunday. There was no doubt that by degrees the country was becoming

more prepared for a step such as the Bill proposed. Day by day they saw coffee-houses and similar institutions provided in the different towns; and he thought, as time went on, they would have such legitimate means of amusement on Sundays for the working classes that such a measure as was now proposed might be safely proposed. He had always felt that a proposal to limit the sale of liquor on Sunday to sales for consumption off the premises would be to meet the complaint against Sunday drinking in a way which could be entertained by the House, and which would not be open to the objection to which the present Bill was liable, that it deprived the lower classes absolutely of the means of getting refreshment on Sunday. They had been asked to agree to the second reading of the Bill, on the undertaking that the measure should be altered so as to meet this view. Though, however, he had perfect confidence in the hon. Member for South Shields (Mr. Stevenson), and believed that he was prepared to transmute his Bill, he thought it would be dangerous to support the second reading of the measure, as there were many Friends of the hon. Member for Carlisle (Sir Wilfrid Lawson) in the House who might not readily consent to the transmutation once the Bill had been read a second time. He could not support a Bill which contemplated nothing else than the total closing of public-houses on Sunday. A measure which more closely followed the recommendations of the Lord's Committee would meet with a far greater share of his approval.

THE O'CONOR DON said, that he should not detain the House at any great length, inasmuch as he was desirous of referring to one point only. He did not know whether English opinion was yet ripe for the passing of such a measure as that before them; but having last year been engaged in the passing of a Bill for Ireland connected with the subject, he would like to state the results of the operation of the Act in Ireland up to the present time. He had moved for a Return to show this, and this Return had been laid on the Table, but had not yet been printed. The Return related to the results, which were the outcome of the Act, during the first six months it was in operation. The Return referred to the two classes in

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Ireland—to exempted places, and the rest of the country. The House would recollect that there were five towns in Ireland which were exempted. During the period alluded to, in that part of the country where public-houses were totally closed, the number of arrests on Sunday during the corresponding period of the previous year was 2,364, and since the total closing the number had been 707, or a diminution of 70 per cent. Last year it was stated that in the exempted towns the result of the Bill would be a great increase in drinking, because people in the neighbourhood and from districts which were not exempted would be anxious for drink, and would come to get drunk in the exempted towns. The matter, however, stood as follows:—Before the Act was passed the number of arrests in these cities was 1,976. Since the Act had been in operation the number had been 1,268, or a reduction of 30 per cent. There had been no disturbance, and those results proved that the Act had brought about a very great diminution in the number of arrests.

MR. ASSHETON considered that the House was in the dark as to what the real feelings of the working men were. He was neither a brewer, a publican, or a Pharisee; but he could not agree to the Bill as it stood. It might in some degree check those people who drank on Sundays, who had been drinking on the Saturday night, and who intended to continue drinking on the Monday. But it would not stop the *bond fide* traveller from rambling about the country and drinking at all hours; and, therefore, it would not give those engaged in public-houses what evidently was one object of the Bill—a day of rest, while it would greatly increase the “sham *bond fide* traveller” nuisance, and inconvenience those who now made legitimate use of public-houses on Sundays. It had been said by those who were in favour of this Bill—“Look at Ireland, and look at Scotland!” Well, with regard to the former, the trial had only been carried on for a very short time; and he might say, as one who opposed that measure, that the sting was taken out of it when the large towns were excluded from its provisions. In regard to Scotland, he believed he could show that the benefits which Scotland had derived by the passing of the Forbes-Mackenzie Act were

due, in great measure, to other clauses in the Act besides the clause closing public-houses on Sunday, and that by passing this Bill they by no means conferred upon England the benefits which had been conferred on Scotland. There were conditions—as to hotel licences, for instance—existing there which did not exist in this country. He was reduced to this position in regard to the Bill now before them—If he voted for it, he felt he would be voting for a sham and a snare; and if he voted against it, he would be supposed to be promoting intemperance. Under these circumstances, he would neither vote for nor against the second reading of the Bill.

SIR HARCOURT JOHNSTONE thought this was very much a question of physical rest to those engaged in the trade, and did not believe that if it were passed there would either be a very large number of travellers or shebeens. It was a very serious fact that so much money found its way into the coffers of the public-house on Sunday, and he had no doubt it had a serious effect on the trade of the country. When they thought of £150,000,000 being spent each year in this business, he did not think it would be a great hardship if some small portion was diverted into other channels. He quite admitted that in the South they were not so favourable to this measure as they were in the North, where, he believed, the proportion was about eight or nine to one in its favour. It might not be a perfect Bill; but the Bills of the Government were never perfect, as they were well aware. The country would, he had no hesitation in saying, be better prepared for the measure if harmless means of recreation, such as picture galleries, were open to the public on Sunday. He knew this was not a popular view amongst many who took a great interest in this question; but he felt bound to express it. He had been connected very largely in the establishment of working men's clubs; and he was bound to say that there were very few cases in which public opinion within those clubs had not been sufficient to keep men within the limits which those who proposed the clubs desired. It was true there had been a few isolated cases in which these clubs had been opened under a false pretence, sometimes by men who had failed to obtain their licences;

but the representatives of the clubs had been the first to assist the Excise in putting down such acts. He had no hesitation in voting for the second reading of the Bill.

SIR MATTHEW WHITE RIDLEY said, that he could not allow the debate to close without saying a few words on behalf of the Government. The Home Secretary himself would have been present had he not been obliged to be elsewhere on Public Business. Everyone must be impressed by the interest taken in this Bill, as was evidenced by the number of Petitions presented in its favour, and by the number of letters received from his constituents. This was especially the case in regard to the North of England. He believed that there was too much truth in the statement made by the Report of the House of Lords' Committee, that drunkenness was especially prevalent to the North of the Trent; and it was, therefore, natural that more interest should be taken on the question there than in the South of England; but he doubted very much whether this would be remedied to any great extent by the Bill which had been introduced by the hon. Member (Mr. Stevenson). It had been his (Sir Matthew White Ridley's) lot, on more than one occasion, to oppose the Bill brought on or advocated by the hon. Member for Carlisle (Sir Wilfrid Lawson) for the furtherance of temperance, and for the same reasons for which he must now oppose the present Bill. The hon. Baronet introduced in the present Session a Resolution in favour of local option, and for this he obtained a large amount of support. But, subsequently, he described that Resolution as a net spread wide, in order to catch as many Members as possible. Amongst those whom he said that he had thus caught was the right hon. Member for Bradford (Mr. W. E. Forster), who had also previously voted against the Permissive Bill. He (Sir Matthew White Ridley) was, therefore, sorry to be compelled to oppose the second reading of the measure now before the House, and, in so doing, to appear to deal in a disrespectful manner with the right hon. Gentleman the Member for Bradford. The Government were quite aware of the importance of seeing what could be done to check intemperance by restricting the hours during which public-houses were

allowed to remain open on Sundays, and were prepared to consider this subject more especially in the light of the Report of the Committee of the House of Lords on Intemperance. On previous occasions he had resisted propositions on this subject, on the ground that it would only be respectful to the House of Lords' Committee that they should suspend their judgment until it had reported. But they had now reported, and he might at once say that the Government were not likely to go beyond that Report. His impression was that that Report was to the effect that there should be two hours in the day during which public-houses should be open all over the Kingdom; that in the Metropolis public-houses should be open from 7 to 11 o'clock; that in populous places they should be open from 7 to 10 o'clock; and other places from 7 to 9 o'clock, for sale both on and off the premises. The question was not so simple as it appeared at first sight, and the Government had not yet had time fully to consider what action they should take in the matter. If they did something in the direction indicated by the Secretary to the Treasury, they would increase the difficulties incident to the *bond fide* traveller; and, in that case, he thought they would have to make regulations analogous to those now in operation in Scotland, and they must, therefore, have a very different measure from the present one. Now, he objected to vote for the second reading of a Bill with a view to afterwards changing its character in Committee. This Bill was one for closing public-houses on Sunday. As such, it was supported by the whole strength of the United Kingdom Alliance, who regarded it as a step towards the complete closing of public-houses. It was also supported by clergymen and ministers of various denominations, who desired, in this way, to promote a proper reverence for the Sabbath. Now, he could not go to the full length these reverend gentlemen did in making such stringent regulations for the observance of the Sabbath; but, at the same time, he fully sympathized with the desire they had to promote due respect being paid to Sunday. Some of those who supported the Bill acquiesced in the view that further restrictions upon the hours of closing were all that could be expected at the present time, and in the

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present state of public opinion; and some Members appeared to think that they could support the Bill, on the understanding that it should be modified in accordance with that view. The Government did not, however, think that they would be discharging their duty to the House, while they would be misleading the country, if they were to support the Bill on any such understanding. Looking at the Bill as one for the total closing of public-houses on Sunday, the Government could not support it, because they agreed with the Report of the House of Lords' Committee that public opinion was not yet ripe for such a measure. But the Government were sensible of the importance of doing something in the direction of reform in regard to the alteration of the hours of closing on Sundays. If the hon. Member pressed the Bill to a second reading, the Government would have no alternative but to vote against it.

MR. A. MILLS said, as some reference had been made to clubs, he wished to say a word on that subject. In Exeter, which he represented, they had one or two of such institutions, and in one case it appeared that the club was formerly a public-house, which, at one time, did a thriving and disreputable business. As a club, it could be kept open all day and all night, and also on Sundays. The plan of membership was very ingenious. A person came in, he was asked if he was a member. If he was not, he was duly elected on payment of 6d., and was supposed to enjoy all the privileges of purchasing what he pleased. It was idle to suppose that the present Bill would put an end to drinking; if the hon. Member thought so, he would find he was very much mistaken. These clubs were quite exempt from licence laws, and Parliament must not suppose that they were going to increase temperance as long as such places existed.

MR. WALTER said, he did not rise to oppose the second reading of the Bill, but rather to remark that if the second reading was not carried, it would be due rather to the course of conduct which had been followed by its promoters than to anything else. He could have wished that the hon. Baronet the Secretary to the Treasury (Sir Henry Selwin-Ibbetson) had expressed himself more clearly than he had done on the subject, and that, generally, there had been a fuller statement

of opinion by the Government. As far as he was personally concerned, he would agree to the Motion for the second reading of the Bill, if its promoters would assent to such an amendment as would limit the sale of liquors on Sundays during certain hours, and to persons who wished a supply for home consumption. The Bill, as at present drawn, placed the resident inhabitants of a district at a disadvantage as compared with the *bona fide* traveller, inasmuch as the latter would be able to obtain a glass of fresh beer on Sunday, while the former would not.

MR. STEVENSON said, he had stated in his opening speech that he was prepared to take an instalment of the measure; and he would be willing to accept Amendments in Committee for the sale over the counter of what was popularly known as dinner and supper beer.

LORD HENRY SCOTT must say the House was placed in a very embarrassing position by the course which the hon. Member in charge of the Bill had taken. He had himself conducted an experiment very much on the lines of the suggestion of the hon. and learned Member for Cambridgeshire (Mr. Rodwell), and had every reason to be well satisfied with it. But the present Bill was one to prohibit the opening of public-houses on Sunday altogether; and he thought it was too late for the hon. Member to say, at the close of the debate, that he was willing so to alter his Bill that he himself would hardly know it. They were thereby placed in a very wrong and false position; and he felt so strongly that such practices were very objectionable that he would vote against the second reading of the Bill.

MR. JOHN BRIGHT: I think the noble Lord the Member for South Hants (Lord Henry Scott) has been unnecessarily hard upon the hon. Member for South Shields (Mr. Stevenson). The hon. Member brings in a Bill for closing public-houses on Sunday. The general debate has been very much in favour of the object of the Bill, and there was no urgent speech against it except that of the hon. Member for Leeds. But several objections were taken against the exclusive character of the Bill, that it was too stringent with regard to certain matters. Therefore, a proposition is made that some modification of the Bill should take place. The hon. Member

for Berkshire (Mr. Walter) made a suggestion which, I think, has been mentioned by other Members, that during some part of the day we should allow drink to be supplied for home use. Many hon. Members seemed to have an honest sympathy with that view, and the hon. Member for South Shields said he had no objection if the House would go into Committee. That is no more than is done constantly in this House. He has a perfect right to ask the House to divide on the Bill. Pass the Bill, and it is understood that he will admit the modification which has been proposed by so many influential Members of the House. I hope the House will accede to the second reading with that understanding. My own impression is that, in the present state of public feeling, it will be as far as public opinion at present will go; but, so far, it would be of great service, and would meet with the approval of the great majority of public opinion in England and Wales, as has been sufficiently indicated by the manner in which it has been met. I rise to show that the hon. Member for South Shields is right in the course he has taken with regard to the Bill.

MR. STAVELEY HILL said, they had come down to vote distinctly on a Bill, contained in very few words, which closed public-houses on the whole of Sunday. He thought it was not fair to the House that, after the whole argument had been directed to that Bill, they

should be called upon to divide upon a totally different issue, and that it should be said in the country that by now voting against the second reading they were opposing the proposition suggested by the hon. and learned Member for Cambridgeshire (Mr. Rodwell). He protested that his vote was given against the Bill as it had been presented, and not against the proposal which was being evolved out of it, and which it was said would at some future time be laid before them.

MR. MONK merely rose to suggest to the hon. Member for South Shields that, as the Bill which he now proposed was quite different from that which he had presented to the House for discussion, he should withdraw his Bill, and bring in another in terms of his new proposal. In order that the hon. Member might, he moved that the debate be adjourned.

Motion made, and Question put,
"That the Debate be now adjourned."—
(*Mr. Monk.*)

The House *divided*:—Ayes 165;
Noes 162: Majority 3.—(Div. List,
No. 156.)

Debate adjourned till To-morrow.

House adjourned at five minutes
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 Yeomanry, &c. Adjutants, Question, Mr. Dalrymple; Answer, Colonel Loyd Lindsay June 23, 420

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Moved that there be laid before the House a Return showing the numbers and respective ages of non-commissioned officers and privates in the Army who died or were invalided home from Her Majesty's Indian, Colonial, and other Foreign Possessions during the five years from January 1, 1874, to December 31, 1878, in a tabulated form, set forth in the Notice of Motion (*The Earl of Galloway*) July 7, 1708; Motion agreed to

Army Discipline and Regulation Bill

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General*)

c. Committee—R.F. June 17, 33 [Bill 88]
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 Committee—R.F. June 30, 959
 Committee—R.F. July 3, 1294
 Moved, "That the House will resolve itself into the said Committee on Saturday, at One of the clock" (*Mr. Chancellor of the Exchequer*) 1401
 Amendt. to leave out "One," and insert "Four" (*Mr. Parnell*); Question proposed, "That 'One' &c.;" after short debate, Amendt. withdrawn
 Original Motion withdrawn; Resolved, That this House will resolve itself into the said Committee on Saturday, at half after One of the clock
 The Cat-o'-nine-tails, Questions, Mr. Callan; Answers, The Chancellor of the Exchequer; Personal Explanation, Mr. W. H. Smith; short debate thereon July 4, 1421; Question, Mr. Parnell; Answer, Mr. Callan July 6, 1549
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Flogging, Question, Mr. Milbank; Answer, Colonel Stanley, 1724

Committee—*a.p.* July 7, 1728

Flogging, Questions, Mr. Macdonald, Sir Wilfrid Lawson, Sir Henry James; Answers, The Chancellor of the Exchequer, Mr. Assheton Cross, Colonel Stanley July 8, 1864

Committee—*a.p.* July 8, 1887

Artisans' and Labourers' Dwellings Improvement Act, 1875

Question, Colonel Beresford; Answer, Mr. Assheton Cross July 3, 1288

Artisans' Dwellings Act (1868) Extension Bill

(*Mr. Torrens, Sir Thomas Chambers, Mr. Goldney*)

c. Committee*; Report June 23 [Bills 31-216]
Committee* (on re-comm.); Report July 8 [Bill 286]

ASHLEY, Hon. A. Evelyn M., Poole

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Irish Farmers—The "Spencer System," Res. 909

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Army Discipline and Regulation, Comm. cl. 131, 1593; cl. 141, 1630; cl. 147, 1784

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ATTORNEY GENERAL, The (Sir J. HOLKER), Preston

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Bill (*Mr. Attorney General, Mr. Secretary Cross, Mr. Solicitor General*)

c. Ordered; read 1^o July 8 [Bill 237]

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(*Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer*)

c. Ordered; read 1^o June 26 [Bill 221]
Bill withdrawn^o June 27

Charity (Expenses and Accounts) (No. 2)

Bill (*Mr. Raikes, Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer*)

c. Considered in Committee June 30, 1957
Resolution reported, and agreed to; Bill ordered; read 1^o July 1 [Bill 230]
Read 2^o, after short debate July 7, 1821

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[H.L.] (*The Earl De La Warr*)

l. Committee^o June 17 (No. 64)
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c. Read 1^o (*Mr. Evelyn Ashley*) June 30 [Bill 239]
Read 2^o, after short debate July 1, 1185
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(*The Lord Chancellor*)

l. Presented; read 1^o June 27 (No. 132)

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Army Discipline and Regulation, Comm. cl. 45, 319; cl. 46, Amendt. 339, 341, 342; cl. 53, 503; cl. 70, 550; cl. 76, 590, 592, 593, 735; cl. 129, 1323, 1326; cl. 131, 1335; cl. 149, 1899

Ireland—Church Missions in the North—Circulation of Offensive Tracts, &c. 950

Ireland—Poor Law—Children in Irish Workhouses, Motion for a Select Committee, 897
Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1242

Common Law Procedure and Judicature Acts Amendment Bill

(*Mr. Waddy, Mr. Wheelhouse, Mr. Ridley*)

c. Considered *, debate adjourned June 20
[Bill 181]

Commons Act (1876) Amendment Bill

(*Mr. Pell, Mr. Shaw Lefevre, Sir Walter B. Barttelot, Lord Edmond Fitzmaurice*)

c. Ordered; read 1^o July 4 [Bill 233]

Commons Act (1876) Amendment (No. 2)

Bill (*Mr. Mundella, Mr. Walpole, Lord Edmond Fitzmaurice, Sir Henry Peak*)

c. Ordered; read 1^o July 8 [Bill 240]

Companies Acts Amendment Bill

(*The Lord Aberdare*)

l. Read 2^a, after short debate June 24, 524

Consolidated Fund (No. 4) Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson*)

c. Resolution in Committee June 19
Resolution reported, and agreed to; Bill ordered; read 1^o June 20

Read 2^o June 23

Committee*; Report June 24

Read 3^o June 25

l. Read 1^o (*Earl of Beaconsfield*) June 26

Read 2^a June 27

Committee*; Report June 30

Read 3^a July 1

Royal Assent July 3 [42 & 43 Vict. c. 20]

Contagious Diseases (Animals) Acts—Outbreak of Foot-and-Mouth Disease at Derby

Question, Colonel Kingscote; Answer, Lord George Hamilton June 19, 174

Convention (Ireland) Act Repeal Bill

(*The Lord O'Hagan*)

l. Read 3^a June 20 (No. 77)

Conveyancing and Land Transfer (Scotland) Act (1874) Amendment Bill

(*Mr. Yeaman, Mr. Baxter, Dr. Cameron*)

c. Committee*; Report July 7 [Bill 198]

Considered* July 8

Read 3^o July 9

CONYNGHAM, Lord F. N., Clare

Fisheries (Ireland)—Loans to Clare Fishermen, 418

Volunteer Corps (Ireland), Comm. cl. 1, 810

Cork Borough Quarter Sessions Bill

(*Mr. Murphy, Mr. Shaw, Mr. Goulding, Colonel Colthurst*)

c. Ordered; read 1^o June 27 [Bill 226]

Read 2^o July 1

Committee*—A.F. July 3

Committee*; Report July 7

Read 3^o July 8

Costs Taxation (House of Commons) Bill

(*The Lord President*)

l. Read 3^a June 17 (No. 99)

Royal Assent July 3 [42 & 43 Vict. c. 17]

COURTNEY, Mr. L. H., Liskeard

Africa, South—Zulu War—Despatches of Sir Bartle Frere, 1285

Peace Negotiations—Telegram, 1721

Army Discipline and Regulation, Comm. cl. 131, 1383, 1395

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Tower High Level Bridge (Metropolis)—Breach of Privilege—Consideration of Special Report, 1879; Nomination of Select Committee, 1960, 1965

COWEN, Mr. J., Newcastle-on-Tyne

Army Discipline and Regulation, Comm. cl. 141, 1863
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Tramways—Wantage Tramway, 692

CRANBROOK, Viscount (Secretary of State for India)

India (Finances, &c.), Petition, &c. 150
Indian Principalities—Rights of Succession, Res. 1415
University Education (Ireland), 2R. 1831

Criminal Code (Indictable Offences) Bill

Question, Mr. Anderson; Answer, The Attorney General June 30, 1863; Question, Mr. Cole; Answer, The Attorney General July 3, 1861

CRIMINAL LAW

The Euston Square Murder, Question, Sir William Fraser; Answer, Mr. Assheton Cross July 7, 1877
The Queen v. Castro—The Convict Orton, Question, Dr. Kenealy; Answer, Mr. Assheton Cross July 8, 1863
Vaccination Act, 1871, Question, Mr. Hopwood; Answer, Mr. Selater-Booth June 19, 1879

CROSS, Right Hon. R. A. (Secretary of State for the Home Department), Lancashire, S.W.

Army Discipline and Regulation Bill—Cat-o'-Nine-Tails, 952, 1864
Army Discipline and Regulation, Comm. cl. 44, 62, 63, 214; cl. 53, 505; cl. 72, 571; cl. 77, 773; cl. 83, 864; cl. 87, 880, 884; cl. 96, 1003, 1004; cl. 103, 1026; cl. 104, 1028; cl. 108, 1033; cl. 109, 1034; cl. 126, 1308; cl. 129, 1324; Amendt. 1331; cl. 131, 1336, 1340, 1341, 1344, 1354, 1355, 1363; Amendt. 1363, 1403, 1555, 1556, 1559, 1564, 1566, 1567, 1569, 1584, 1594, 1597, 1598, 1599, 1600, 1601, 1602, 1603; cl. 137, 1622; cl. 141, 1647, 1650; cl. 147, 1667, 1676, 1678, 1734, 1801
Artizans' and Labourers' Dwellings Improvement Act, 1875, 1288
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Infant Life Protection Act, 1872—Infant Mortality, Exeter, 948
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CROSS, Right Hon. R. A.—cont.

Truck System—Nailers and Rivet-makers, 724
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Zulus, Exhibition of, 1865, 1866

Cruelty to Animals Bill [N.L.]

(The Lord Truro)

l. Presented; read 1st June 24 (No. 125)**CUNNINGHAME, Sir W. J. M., Ayr, &c.**

Army Discipline and Regulation, Comm. cl. 48, 331; cl. 47, 469
Poor Law Medical Relief (Scotland), 419

Customs and Inland Revenue Bill

(Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson)

c. Read 3rd June 26 [Bill 150]l. Read 1st (The Lord President) June 27Read 2nd; Committee negatived June 30Read 3rd July 1

Royal Assent July 3 [42 & 43 Vict. c. 21]

Customs Buildings Bill

(Mr. Noel, Sir Henry Selwin-Ibbetson)

c. Ordered; read 1st June 30 [Bill 228]Read 2nd July 7

Committee; Report July 8

Customs Re-organisation

The Clerical Service, Questions, Sir Edward Watkin, Mr. Ritchie; Answers, Sir Henry Selwin-Ibbetson June 19, 1890

Civil Service Writers, Question, Mr. Rathbone; Answer, Sir Henry Selwin-Ibbetson June 30, 1885

Cyprus

Administration of Justice—Punishment of Priests, Observations, Lord Stanley of Alderley; Reply, The Marquess of Salisbury June 17, 19

Health of the Troops, Question, Mr. Monk; Answer, Colonel Stanley July 7, 1873

Purchase of Land by Foreigners, Question, Sir Charles W. Dilke; Answer, Mr. Bourke June 30, 1866

Cyprus

Amendt. on Committee of Supply June 26, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Ordinance No. VIII. of 1879, giving power to the Government of Cyprus to exile persons without trial:

"Of the Ordinance No. VI. of 1878, prohibiting the sale of land to any but British or Turkish subjects:

"And, of the Ordinance No. XVI. of 1879, confiscating uncultivated lands" (Sir Charles W. Dilke) v. 358; Question proposed, "That the words, &c.;" after long debate, Question put, and negatived

Words added; main Question, as amended, put, and agreed to P.P. [2351]

DALRYMPLE, Mr. C., Buteshire

Army—Yeomanry, &c. Adjutants, 420
 Army Discipline and Regulation, Comm. *cl.* 44,
 248; *cl.* 131, 1397
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 and Oriental Company, 423

DELAHUNTY, Mr. J., Waterford Co.

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DE LA WARR, Earl

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 137
 Egypt—Deposition of the Khedive, 671
 Workmen's Compensation, 2R. 523

**DENISON, Mr. C. BECKETT-, Yorkshire,
W.R., E. Div.**

Anti-Rent Agitation (Ireland)—Tenant Right
 Meeting at Milltown, 717, 718
 Army Discipline and Regulation, Comm. *cl.* 131,
 1587; *cl.* 140, 1626
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 Fortresses, 1713

DICKSON, Major A. G., Dover

Prince Imperial, The Late, 310

DILKE, Sir C. W., Chelsea, &c.

Anti-Rent Agitation (Ireland)—Tenant Right
 Meeting at Milltown, 718
 Army Discipline and Regulation, Comm. *cl.* 44,
 53, 236, 264, 274, 278; *cl.* 70, 549; *cl.* 72,
 558; *cl.* 131, 1389; *cl.* 147, 1736, 1762,
 1818, 1820; *cl.* 158, 1916
 Charity (Expenses and Accounts) (No. 2), 2R.
 1821
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 Cyprus, Motion for Papers, 358, 379, 389
 Indian Marine, Comm. Motion for Adjourn-
 ment, 1141
 Tower High Level Bridge (Metropolis)—Breach
 of Privilege—Consideration of Special Report,
 1871; Nomination of Select Committee,
 1968
 Turkey and Greece—The Papers, 432

DILLWYN, Mr. L. L., Swansea

Army Discipline and Regulation, Comm. *cl.* 44,
 270; *cl.* 131, 1376, 1383; Motion for report-
 ing Progress, 1399
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 Horse, 436
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 Minister of Commerce and Agriculture, Res.
 1954
 Parliament—Public Business, State of, 1293
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 Debate discharged, 541
 Public Health Act (1875) Amendment (Inter-
 vents), 3R. 285; Motion for Adjournment, *ib.*
 Supply, Report, 1054

Dispensaries (Ireland) Bill

(*Viscount Hutchinson*)

1. Read 2^a • June 26 (No. 88)
 Committee •; Report July 1
 Read 3^a • July 3

Divinity School (Church of Ireland) Bill

(*The Earl of Belmore*)

1. Bill withdrawn, after debate July 3, 1248

DODSON, Right Hon. J. G., Chester

Public Loans Remission—Interest Unpaid,
 1863
 Tower High Level Bridge (Metropolis)—Breach
 of Privilege—Consideration of Special Report,
 1871, 1873, 1880

**Dogs Regulation (Ireland) Act (1865)
Amendment Bill**

(*Mr. James Lowther, Mr. Attorney General for
 Ireland*)

c. Question, Major Nolan; Answer, Mr. J.
 Lowther June 30, 955
 Bill withdrawn • June 30 [Bill 129]

DONOUGHMORE, Earl of

University Education (Ireland), 2R. 1843

DUFF, Mr. R. W., Banffshire

Agricultural Distress, Motion for an Address,
 1480, 1490
 Army Discipline and Regulation, Comm. *cl.* 131,
 1376
 Herring Trade—Brands, 1715

DUNDAS, Hon. J. C., Richmond

Tower High Level Bridge (Metropolis)—Breach
 of Privilege—Consideration of Special Report,
 1873; Nomination of Select Committee, 1968

DUNRAVEN, Earl of

Parliament—Business of the House—Hour of
 Meeting for Public Business, Res. 291

East India Railway Bill (by Order)

c. Moved, "That the Bill, as amended, be now
 taken into Consideration" (*Mr. J. G. Hub-
 bard*) July 1, 1074

Amendt. to leave out from "That," and add
 "this House, adopting the recommendation
 contained in the Special Report of the Com-
 mittee to which this Bill was referred, is of
 opinion that its provisions should not be re-
 garded as a precedent for defining the terms
 on which the Indian Government may here-
 after exercise its right of acquiring possession
 of the other guaranteed Railways in India"
 (*Mr. Fawcett*) v.; Question proposed, "That
 the words, &c.;" after long debate, Question
 put, and negatived

Words added; main Question, as amended, put,
 and agreed to

Moved, "That the Bill, as amended, be now
 taken into Consideration" (*Mr. J. G. Hub-
 bard*) July 2, 1187

Amendt. to leave out "now," and add "upon
 Wednesday next" (*Sir George Campbell*);
 Question proposed, "That 'now,' &c.;"
 after short debate, Amendt. withdrawn

EDMONSTONE, Admiral Sir W., *Stirlingshire*

University Education (Ireland), 2R. 654

Edmunds, Mr. Leonard—"The Attorney General v. Edmunds"

Questions, The Earl of Redesdale; Answer, The Duke of Richmond and Gordon; Observations, The Lord Chancellor June 19, 187

Moved, That a Select Committee be appointed to inquire into the proceedings taken upon an order of reference made by the Court of Common Pleas on the 26th June 1869 in an action entitled "Edmunds v. Greenwood," and in relation to the award of the arbitrators under the said order of reference (*The Earl of Redesdale*) July 4, 1407; after short debate, on Question? resolved in the negative

Education Department (England and Wales)

Expenditure on Elementary Schools, Question, Mr. J. R. Yorke; Answer, Lord George Hamilton June 26, 730

London School Board Expenditure, Questions, Sir Ughtred Kay-Shuttleworth, Mr. W. E. Forster; Answers, Lord George Hamilton June 19, 177

Education (Wales)

Moved, "That, in the opinion of this House, it is the duty of the Government to consider the best means of assisting any local effort which may be made for supplying the deficiency of higher education in Wales" (*Mr. Hussey Vivian*) July 1, 1141

Amend. to leave out "assisting any local effort which may be made for" (*Viscount Emllyn*); Question proposed, "That the words, &c.;" after long debate, Question put, and negatived

Main Question, as amended, put; A. 54, N. 106; M. 51 (D. L. 142)

EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), *Lancashire, S.E.*

Army Discipline and Regulation, Comm. cl. 44, 275

Navy Contracts—Dutch Hay, 1726

EGERTON, Hon. Admiral F., *Derbyshire, E.*

India—Tenders for Supplies, 423

Egypt

Abdication of the Khedive, Observations, Questions, Mr. Otway, Mr. Childers; Replies, Mr. Bourke, The Chancellor of the Exchequer June 20, 307; Question, Earl Granville; Answer, The Marquess of Salisbury June 23, 404; Question, Mr. Otway; Answer, Mr. Bourke; short debate thereon June 23, 429; Question, Earl De La Warr; Answer, The Marquess of Salisbury June 26, 671; Explanation, Question, The Marquess of Hartington; Answer, The Chancellor of the Exchequer; short debate thereon June 26, 725

Egypt—cont.

The Succession—*The Firmans*, 1841-73, Question, Mr. Otway; Answer, Mr. Bourke June 30, 958 P.P. [2395]

The Papers, Observations, Questions, Sir Julian Goldsmid; Answers, Mr. Bourke, The Chancellor of the Exchequer July 3, 1289; Question, Sir Julian Goldsmid; Answer, Mr. Bourke July 4, 1419

ELCHO, Lord, *Haddingtonshire*

Army Discipline and Regulation—Cat-o'-Nine-Tails, 1550

Army Discipline and Regulation, Comm. cl. 44, 78; cl. 74, 584, 585; cl. 147, 1754

Army Organization Committee—Instructions, 434

Harbours—Dunbar Harbour, 541

Minister of Commerce and Agriculture, Res. 1949

Scotland—Dunbar Harbour, 1547

Hypothec Abolition, 27

Turkey—Government of Syria, 1417

Elementary Education Provisional Orders

Confirmation (Brighton and Preston, &c.) Bill [H.L.] (*The Viscount Cranbrook*)

l. Royal Assent July 3 [42 & 43 Vict. c. lviii]

Elementary Education Provisional Orders

Confirmation (London) Bill [H.L.]

(*The Viscount Cranbrook*)

l. Royal Assent July 3 [42 & 43 Vict. c. lix]

EMLY, Lord

Cattle Disease (Ireland)—Contagious Diseases (Animals) Act, 1704

EMLYN, Viscount, *Carmarthen*

Education (Wales), Res. Amendt. 1155

Endowed Schools Acts

Moved that there be laid before the House, Return made out, county by county, in continuation of Return respecting the Endowed Schools Acts, Paper (No. 5.), ordered to be printed on the 13th of February last [with details] (*The Earl Fortescue*) June 24, 527; after short debate, Motion agreed to

The Continuance Bill, Question, Sir Ughtred Kay-Shuttleworth; Answer, Lord George Hamilton June 26, 686

ENFIELD, Viscount

Racecourses (Metropolis), Comm. cl. 3, 9

ERRINGTON, Mr. G., *Longford Co.*

Ireland—Irish Butter—Depreciation of Value, 177

Petty Sessions, 1283

West Indies—Jamaica—Coolie Immigration, 171

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FAWOETT, Mr. H., Hackney

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FITZMAURICE, Lord E. G., Calne

Army Discipline and Regulation, Comm. *cl.* 131, 1599, 1601, 1605; *cl.* 141, 1629, 1632, 1643, 1647; *cl.* 147, 1668, 1677, 1795, 1798, 1817
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FOLJAMBE, Mr. F. J. S., East Retford

Agricultural Statistics—The Week's Corn Averages, 691

FORSTER, Right Hon. W. E., Bradford

Army Discipline and Regulation, Comm. *cl.* 131, 1560, 1577; *cl.* 141, 1657; *cl.* 147, 1671, 1679, 1760
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The New Tariff Law, Question, Sir Joseph M'Kenna; Answer, Mr. Bourke June 19, 178
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FRASER, Sir W. A., Kidderminster

Army Discipline and Regulation, Comm. *cl.* 147, 1741
 Criminal Law—Euston Square Murder, 1727
 Prince Imperial, The Late, 414, 686, 949, 1718
 Tower High Level Bridge (Metropolis)—Breach of Privilege—Consideration of Special Report, 1872

FREMANTLE, Hon. T. F., Buckinghamshire

Tower High Level Bridge (Metropolis)—Breach of Privilege—Consideration of Special Report, 1879; Nomination of Select Committee, 1968

FRESHFIELD, Mr. C. K., Dover

East India Railway, Consid. 1094

GALLOWAY, Earl of

Army—Deaths and Invalids on Foreign Stations, Motion for a Return, 1708
 Valuation of Lands (Scotland) Amendment, Comm. 13, 14; *cl.* 8, 17; *cl.* 10, 18; Report, 683, 684

Gas and Water Provisional Orders Confirmation Bill (*The Lord Henniker*)

L. Committee * July 1 (No. 101)
 Report * July 4
 Read 3^a * July 7

GIBSON, Right Hon. E., (Attorney General for Ireland), Dublin University

Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1243
 Licences (Ireland), 1719
 University Education (Ireland), 2R. 624
 Volunteer Corps (Ireland), Comm. *cl.* 1, 807, 808; *cl.* 22, 1059

GIFFARD, Sir H. S. (see SOLICITOR GENERAL, The)

GILES, Mr. A., Southampton

Cyprus, Motion for Papers, 399
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GLADSTONE, Right Hon. W. E., Greenwich

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GOLDNEY, Mr. G., Chippenham

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GOLDSMID, Sir J., Rochester

Army Discipline and Regulation, Comm. *cl.* 44, 271; *cl.* 147, 1820
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GORDON, Sir A., Aberdeenshire, E.

Army Discipline and Regulation, Comm. *cl.* 44, 61, 272; *cl.* 45, Amendt. 312, 315, 317, 319, 324, 325, 328, 330, 331; *cl.* 46, Amendt. *ib.*, 332, 344, 347, 354; *cl.* 47, Motion for reporting Progress, 357; Amendt. 437, 440, 441, 442, 460, 465, 467, 469; *cl.* 48, 471, 472, 475; Amendt. 477, 478, 480, 485, 486, 487, 489, 490; *cl.* 50, Amendt. 494; *cl.* 52, 500; *cl.* 53, Amendt. 501, 505, 506; *cl.* 54, 507; Amendt. 509; *cl.* 55, Amendt. 512; *cl.* 56, Amendt. 515; *cl.* 70, Amendt. 546, 548, 552, 554; *cl.* 71, Amendt. 556, 568; *cl.* 74, 587; *cl.* 76, 742, 743; *cl.* 79, 785;

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GORDON, Mr. W., Chelsea

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GOSCHEN, Right Hon. G. J., London

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Question, Mr. Callan; Answer, Mr. J. Lowther
June 23, 436; Question, Sir Thomas
McClure; Answer, Mr. J. Lowther *July* 7,
1720

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ments), 2R. 524; Amendt. 1064

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GRAY, Mr. E. D., Tipperary

Army Discipline and Regulation, Comm. *cl.* 131,
1371, 1382, 1386; *cl.* 141, 1640; *cl.* 147,
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GREGORY, Mr. G. B., Sussex, E.

Army Discipline and Regulation, Comm. *cl.* 131,
1604

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Amendment, 2R. Amendt. 1233

GREY, Earl

London Bridge, 3R. 678

University Education (Ireland), 1R. 944

GUINNESS, Sir A. E., Dublin

Poor Law (Ireland)—North Dublin Board of
Guardians, 954

Gun Licence Act (1870) Amendment Bill

(*Sir Alexander Gordon, Mr. Clara Read, Mr.
McLagan, Mr. Mark Stewart*)

c. Moved, "That the Bill be now read 3rd"
June 18, 118

Amendt. to leave out "now," and add "upon
this day three months" (*Mr. Bruce*): Ques-
tion proposed, "That 'now,' &c.;" after
short debate, Debate adjourned [Bill 57]

Habitual Drunkards Bill

(*The Earl of Shaftesbury*)

l. Royal Assent *July* 3 [42 & 43 Vict. c. 19]

**HAMILTON, Lord G. F. (Vice President
of the Committee of Council on
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**Hampton Court Park—The Master of the
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Noel June 23, 436

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HARCOURT, Sir W. G. V., Oxford City

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485; Amendt. 487, 488, 489; *cl.* 72, 566;

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HARDY, Mr. A. GATHORNE-, Canterbury
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(*Mr. Selater-Booth, Mr. Salt*)
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Read 2* July 3
Committee*; Report July 7
Read 3* July 8

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Inclosure Provisional Order (East Stainmore Common) Bill

(The Lord Steward)

l. Read 2^a June 17 (No. 108)
Committee*; Report June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxxiii]

Inclosure Provisional Order (Maltby Lands) Bill

(Sir Matthew Ridley, Mr. Secretary Cross)

c. Bill withdrawn, after short debate July 3, 1403 [Bill 173]

Inclosure Provisional Order (Matterdale Common) Bill

(The Lord Steward)

l. Read 2^a June 17 (No. 107)
Committee*; Report June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxxi]

Inclosure Provisional Order (Redmoor and Golberdon Commons) Bill

(The Lord Steward)

l. Read 2^a June 17 (No. 109)
Committee*; Report June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxxii]

Inclosure Provisional Order (Whittington Common) Bill

(Sir Matthew Ridley, Mr. Secretary Cross)

c. Read 2^a June 23 [Bill 207]
Committee*; Report July 1
Read 3^a July 2
l. Read 1^a (Lord Steward) July 3 (No. 136)

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British and Portuguese India—Customs Union, Question, Sir George Campbell; Answer, Mr. Bourke June 20, 311; Question, Sir George Campbell; Answer, Mr. E. Stanhope June 23, 425

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INDIA—cont.

Finance, &c.

Petition of the British Indian Association Calcutta, Moved, "That the Petition do lie upon the Table" (The Earl of Northbrook) June 19, 138; after debate, Petition ordered to lie on the Table

The Financial Department, Question, Mr. Onslow; Answer, Mr. E. Stanhope June 19, 178

The Five per cent Loan, Question, Sir Charles Mills; Answer, Mr. E. Stanhope July 7, 1719

Illegal Lotteries in Racing Sweeps, Question, Sir George Campbell; Answer, Mr. E. Stanhope July 7, 1714

Indian Native Troops—Cost of Conveyance to Europe, Question, Mr. Mundella; Answer, The Chancellor of the Exchequer July 7, 1712

Petition of Mr. William Taylor—Sir Frederick Halliday, Question, Mr. Staveley Hill; Answer, Mr. E. Stanhope June 19, 181

Tenders for Supplies, Question, Admiral Egeron; Answer, Mr. E. Stanhope June 23, 423

The Council of the Governor General, Questions, Sir George Campbell; Answers, Mr. E. Stanhope June 23, 424

India—Duties on Cotton Goods—Minute of the Council of India, 11th Nov., 1875

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Minute by Members of the Council of the Governor General of India on the Despatch of the Secretary of State, dated the 11th day of November 1875, and referred to in the Despatch of the Government of India, dated the 17th day of March 1876 :

And, of all Communications which have passed between the Secretary of State for India and the Government of India, or the Governor General, relating to the repeal of the Cotton Duties (in continuation of the Papers presented to Parliament in 1876)" (Sir William Harcourt) June 17, 83

After debate, Amendt. to leave out from "of all Communications," and add "of the Memorandum of Sir Henry Sumner Maine, dated the 25th day of April 1876" (Mr. Chancellor of the Exchequer) v.; Question proposed, "That the words, &c.;" after further short debate, Question put, and negatived

Words added; main Question, as amended, put, and agreed to

India—Indian Principalities and States—Rights of Succession

Moved to resolve, That this House is of opinion that all cases of disputed succession to Indian Principalities or States not involving preponderating political considerations or criminal elements should be decided by judicial authority, and be referable to the Judicial

India—Indian Principalities and States—Rights of Succession—cont.

Committee of Her Majesty's Privy Council (The Lord Stanley of Alderley) July 4, 1415; after short debate, on Question? resolved in the negative

Indian Marine Bill

(Mr. Edward Stanhope, Mr. John G. Talbot)

c. Committee; Report June 19, 284 [Bill 182]
Order for Committee (on re-comm.) read;
Moved, "That Mr. Speaker do now leave the Chair" July 1, 1140; Moved, "That the Debate be now adjourned" (Sir Charles W. Dilke); Motion agreed to; Debate adjourned

Industrial Enterprise (Ireland) Bill

(Mr. P. J. Smyth, Mr. Joseph Cowen, Colonel King-Harman, The O'Donoghue)

c. Ordered; read 1^o June 26 [Bill 222]

Industrial Schools (Powers of School Boards) Bill

(Sir Matthew Ridley, Mr. Secretary Cross)

c. Ordered; read 1^o July 8 [Bill 242]

Infant Life Protection Act, 1872—Infant Mortality, Exeter

Question, Mr. A. Mills; Answer, Mr. Assheton Cross June 30, 948

IRELAND

MISCELLANEOUS QUESTIONS

Agricultural Distress, Question, Mr. O'Donnell; Answer, Mr. J. Lowther June 23, 425

Anti-Rent Agitation—Tenant Right Meeting at Milltown, Question, Mr. O'Connor Power; Answer, Mr. J. Lowther; debate thereon June 26, 694

Arrests for Drunkenness, Question, The O'Connor Don; Answer, Mr. J. Lowther June 30, 953

Cattle Disease—Contagious Diseases (Animals) Act, Question, Observations, Lord Emly; Reply, The Duke of Richmond and Gordon; short debate thereon July 7, 1704

Church Missions in the North—Circulation of Offensive Tracts and Placards, Question, Colonel Colthurst; Answer, Mr. J. Lowther June 30, 950

Explosives Act, 1875, Question, Mr. Charles Lewis; Answer, Mr. J. Lowther June 23, 414

Fisheries

Loans to Clare Fishermen, Question, Lord Francis Conyngham; Answer, Mr. J. Lowther June 23, 418

Reproductive Loans Fund (Ireland) Act—Loans to Irish Fisheries, Questions, Mr. O'Connor Power; Answers, Mr. J. Lowther June 17, 36

The Stigo and Bonet Fisheries, Question, Major O'Beirne; Answer, Mr. J. Lowther June 23, 416

IRELAND—cont.

Grand Juries—County Down Grand Jury, Question, Mr. Biggar; Answer, Mr. J. Lowther July 7, 1717

Inland Navigation

Limerick to Belfast, Observations, The Earl of Leitrim, Lord Harlech; Reply, The Duke of Richmond and Gordon June 27, 831

The North of Ireland, Question, Sir Thomas McClure; Answer, Mr. J. Lowther July 7, 1712

Irish Butter—Depreciation of Value, Question, Mr. Errington; Answer, Mr. J. Lowther June 19, 177

Landlord and Tenant—Threatened Eviction of a Priest, Questions, Mr. Verner, Mr. O'Donnell, Mr. Callan; Answers, Mr. J. Lowther June 23, 432

Law and Justice—Coronership of Limerick, Questions, Mr. O'Connor Power, Mr. Callan; Answers, Mr. J. Lowther June 23, 418

Licences, Question, Mr. B. Whitworth; Answer, The Attorney General for Ireland July 7, 1719

National Education—Assistant Teachers, Question, Mr. O'Connor Power; Answer, Mr. J. Lowther June 23, 415

Peace Preservation (Ireland) Act, 1875—County of Donegal, Questions, The Marquess of Hamilton, Mr. Sullivan, Mr. Parnell; Answers, Mr. J. Lowther June 17, 24

Petty Sessions, Question, Mr. Errington; Answer, Mr. J. Lowther July 3, 1283

Poor Law

Cootehill Union, Question, Mr. Biggar; Answer, Mr. J. Lowther July 7, 1716

North Dublin Board of Guardians, Question, Sir Arthur Guinness; Answer, Mr. J. Lowther June 30, 954

Post Office—Post Offices in Mayo, Question, Mr. O'Connor Power; Answer, Lord John Manners June 30, 950

Prisons—Limerick County Prison, Questions, Mr. O'Sullivan; Answers, Mr. J. Lowther June 27, 836

Queen's University—Assumption of a University Degree, Question, Mr. O'Donnell; Answer, Mr. J. Lowther June 19, 182

Religious Disturbances in the West of Ireland, Questions, Mr. Holt, Mr. Callan; Answers, Mr. J. Lowther June 27, 838;—*Disturbances in Connemara (Clifden)*, Questions, Mr. Mitchell Henry, Mr. Sullivan; Answers, Mr. J. Lowther July 7, 1721

Small-Pox—Prisons, Question, Observations, The Earl of Belmore; Reply, The Duke of Richmond and Gordon June 24, 525

Tyrone County Court—Sir Francis W. Brady, Question, Mr. Callan; Answer, Mr. J. Lowther July 3, 1283

Ireland—Irish Farmers—The "Spencer System"

Amendt. on Committee of Supply June 27, To leave out from "That," and add "as it appears that great benefit has arisen in certain parts of Ireland by the working of the 'Spencer system,' under which small farmers

(cont.

Ireland—Irish Farmers—The "Spencer System"—cont.

have been encouraged and stimulated to improved cultivation by a distribution of small money prizes for competition, it is therefore expedient that this system should be encouraged by Her Majesty's Government undertaking to provide official inspection in all cases where individuals, or public or corporate bodies, are willing to provide funds for the carrying out of the system of rewards, more especially as the funds now available from the closing of certain model farms will be more than sufficient to enable this to be done" (*Colonel King Harman*) v., 906; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Ireland—Police—Disturbed Districts and Intimidation

Orders of the Day—Notice of Motion, Observations, The Chairman of Committees June 23, 412; Explanation, Lord Oranmore and Browne; Observations, The Earl of Beaconsfield June 24, 522

Moved that there be laid before this House, Return of all persons now receiving police protection in Ireland, and of police posts of constabulary located in disturbed districts; and a Return of farms now unoccupied from intimidation (*The Lord Oranmore and Browne*) July 7, 1684; after short debate, Motion withdrawn

Ireland—Poor Law—Children in Irish Workhouses

Amendt. on Committee of Supply June 27, To leave out from "That," and add "a Select Committee be appointed to inquire what steps it is desirable to take to improve the state of children in Irish workhouses" (*Mr. Arthur Moore*) v., 889; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Jamaica—Coolie Immigration

Question, Mr. Errington; Answer, Sir Michael Hicks-Beach June 19, 171

JAMES, Sir H., Taunton

Army Discipline and Regulation—Flogging, 1864

Army Discipline and Regulation, Comm. cl. 44, 265, 269; cl. 54, Amendt. 510; cl. 55, 512, 514; cl. 56, ib., 516, 518; cl. 59, 520; cl. 76, 593; cl. 104, Amendt. 1031; cl. 126, 1304; Amendt. 1306, 1307, 1310, 1311; cl. 127, 1312, 1313; cl. 131, 1303; cl. 147, 1785; cl. 152, 1909, 1911, 1912; cl. 163, 1914; cl. 158, 1915; cl. 161, 1917

JAMES, Mr. W. H., Gateshead

Cape Colony—Mr. Justice Fitzpatrick, 169
Charity (Expenses and Accounts) (No. 2), 2R, 1821

Japan—The Tariff

Question, Mr. Sampson Lloyd; Answer, Mr. Bourke July 3, 1285

JENKINS, Mr. E., Dundee

Army Discipline and Regulation, Comm. *cl.* 131, 1566, 1567; *cl.* 140, Amendt. 1624, 1626; *cl.* 141, 1630, 1642; *cl.* 147, 1729, 1746, 1800; *cl.* 148, Amendt. 1889, 1891, 1893, 1895; *cl.* 149, Amendt. 1899, 1906; *cl.* 158, 1916; *cl.* 161, Amendt. 1917, 1918

Zulus, Exhibition of, 1865, 1866

JOHNSON, Mr. J. G., Exeter

Army Discipline and Regulation, Comm. *cl.* 147, 1743

JOHNSTONE, Sir H., Scarborough

Sale of Intoxicating Liquors on Sunday, 2R. 2002

Tower High Level Bridge (Metropolis) — Breach of Privilege, Nomination of Select Committee, 1967

Joint Stock Companies Act — Insurance Companies—Participation of Profits

Question, Lord Stanley of Alderley; Answer, The Lord Chancellor *June* 30, 931

KAVANAGH, Mr. A. M., Carlow Co.

Spirits in Bond, 2R. 1213

KAY-SHUTTLEWORTH, Sir U. J., Hastings

Army Discipline and Regulation, Comm. *cl.* 45, 325; *cl.* 141, 1660

Elementary Education Act—London School Board Expenditure, 177

Endowed Schools Acts—Continuance Bill, 686

Local Government Board—Annual Report, 426

KENEALY, Dr. E. V., Stoke-upon-Trent

Army Discipline and Regulation, Comm. *cl.* 44, 56; *cl.* 147, 1771, 1774

Bagshot Park, New Palace at, 181

Criminal Law—"Queen v. Castro," 1863

KENNAWAY, Sir J. H., Devon, E.

Sale of Intoxicating Liquors on Sunday, 2R. 1996

KIMBERLEY, Earl of

Africa, South—Zulu War—Overtures of Peace, 1404, 1406

Cattle Disease (Ireland)—Contagious Diseases (Animals) Act, 1706

Endowed Schools Acts, Motion for Returns, 534

Police (Ireland)—Disturbed Districts and Intimidation, Motion for Returns, 1699

Prince Imperial, The Late, 1074

Public Health Act (1875) Amendment (Interments), 2R. 1068

Summary Jurisdiction, 2R. 1703

University Education (Ireland), 2R. 1823, 1859, 1860

KINGSCOTE, Colonel R. N. F. Gloucestershire, W.

Army—Auxiliary Forces—North Gloucestershire Militia, 924

Contagious Diseases (Animals) Acts—Outbreak of Foot and Mouth Disease at Derby, 174

KNATCHBULL-HUGESSEN, Right Hon. E. H., Sandwich

Tower High Level Bridge (Metropolis) — Breach of Privilege—Consideration of Special Report, 1876; Nomination of Select Committee, 1957, 1958, 1967

Knightsbridge and other Crown Lands Bill (*Mr. Noel, Mr. Secretary Stanley*)

c. Ordered; read 1st July 4 [Bill 231]

LAING, Mr. S., Orkney, &c.

Council of India, Motion for Papers, 103
East India Railway; Consid. 1137

Landlord and Tenant (Ireland) Act (1870) Amendment Bill

(*Mr. Daniel Taylor, Mr. Thomas Dickson, Mr. Benjamin Whitworth*)

c. Moved, "That the Bill be now read 2^o"
July 2, 1228

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Gregory*);
Question proposed, "That 'now,' &c.;"
after debate, Debate adjourned [Bill 41]

LAW, Right Hon. H., Londonderry Co.

Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1235

Law and Justice

Bridport County Court—*Mr. Lefroy*, Question, *Mr. Sullivan*; Answer, *Mr. Assheton Cross*
July 4, 1424

Prisoners at the Yorkshire Assizes, Question, *Mr. Barran*; Answer, *Mr. Assheton Cross*
June 19, 173

Zulus, Exhibition of, Questions, *Mr. E. Jenkins, Mr. Callan*; Answers, *Mr. Assheton Cross*
July 8, 1865

LAWRENCE, Lord

India (Finances, &c.)—Petition, &c. 159

Lawrence, Lord, The late

Question, Observations, Earl Granville; Reply, The Earl of Beaconsfield *June* 30, 929;

Question, *Mr. Evelyn Ashley*; Answer, The

Chancellor of the Exchequer *June* 30, 957

The Funeral, Observations, Question, Sir George Campbell; Reply, The Chancellor of the Exchequer *July* 4, 141

LAWSON, Sir W., Carlisle

Africa, South—Zulu War—Alleged Cruelties, 1728

Army Discipline and Regulation—Flogging, 1864

Children's Dangerous Performances, 2R. 1186

Licensing Acts—Exemption Licences—Southampton Borough Magistrates, 839

Public Health Act (1875) Amendment (Interments), 3R. 288

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LEATHAM, Mr. E. A., Huddersfield

University Education (Ireland), 2R. 630

LEIGHTON, Mr. S., *Shropshire, N.*
Army—Auxiliary Forces—Volunteers, 1723

LEITRIM, Earl of
Inland Navigation (Ireland)—Limerick to Belfast, 831
University Education (Ireland), 2R. 1842

LENNOX, Lord H. G. C. G., *Chichester*
Tower High Level Bridge (Metropolis)—Breach of Privilege—Report of Select Committee, 1709, 1711; Consid. 866, 871, 1879

LEWIS, Mr. C. E., *Londonderry*
Explosives Act, 1875—Ireland, 414

Licensing Acts—Exemption Licences—Southampton Borough Magistrates
Question, Sir Willfrid Lawson; Answer, Mr. Ascheton Cross June 27, 839

LINDSAY, Colonel R. J. Loyd (Financial Secretary for War), *Berkshire*
Army—Yeomanry, &c. Adjutants, 421
Volunteer Corps (Ireland), Comm. cl. 22, 1059

Linen and Hempen Manufactures (Ireland) Bill (*Mr. James Lowther, Mr. Attorney General for Ireland*)
c. Read 2^a June 17 [Bill 202]

LLOYD, Mr. M., *Beaumaris*
Army Discipline and Regulation, Comm. cl. 83, 870; cl. 149, 1905
Education (Wales), Res. 1174

LLOYD, Mr. S. S., *Plymouth*
Japan—The Tariff, 1285
Metallic Currency and Trade, Royal Commission, 1421
Minister of Commerce and Agriculture, Res. 1919, 1945, 1947, 1954

Local Government Board—Annual Report
Question, Sir Ughtred Kay-Shuttleworth; Answer, Mr. Solater-Booth June 23, 426

Local Government (Highways) Provisional Orders (Buckingham, &c.) Bill (*The Lord President*)
l. Committee^{*}; Report June 19 (No. 95)
Read 3^a June 20
Royal Assent July 3 [42 & 43 Vict. c. lxxvii]

Local Government (Highways) Provisional Orders (Dorset, &c.) Bill (*The Lord President*)
l. Read 2^a June 17 (No. 111)
Committee^{*}; Report June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxxv]

Local Government (Highways) Provisional Orders (Gloucester and Hereford) Bill (*The Lord President*)

l. Read 2^a June 17 (No. 112)
Committee^{*}; Report June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxxiv]

Local Government (Ireland) Provisional Orders (Clonmel, &c.) Bill [H.L.] (*The Lord President*)

l. Royal Assent July 3 [42 & 43 Vict. c. liv]

Local Government (Ireland) Provisional Orders Confirmation (Cashel, &c.) Bill [H.L.] (*The Lord President*)

l. Royal Assent July 3 [42 & 43 Vict. c. lvii]

Local Government (Ireland) Provisional Orders Confirmation (Downpatrick) Bill [H.L.] (*The Lord President*)

l. Royal Assent July 3 [42 & 43 Vict. c. lvi]

Local Government (Ireland) Provisional Orders (Killarney, &c.) Bill (*The Lord President*)

l. Read 2^a June 17 (No. 110)
Committee^{*}; Report June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxxvii]

Local Government (Ireland) Provisional Orders (Waterford, &c.) Bill (*The Lord President*)

l. Royal Assent July 3 [42 & 43 Vict. c. lx]

Local Government (Poor Law) Provisional Orders Bill (*The Lord President*)

l. Committee^{*}; Report June 23 (No. 96)
Read 3^a July 1
Royal Assent July 3 [42 & 43 Vict. c. cvi]

Local Government Provisional Orders (Abergavenny Union, &c.) Bill (*The Lord President*)

l. Committee^{*} June 20 (No. 103)
Report^{*} June 23
Read 3^a June 24
Royal Assent July 3 [42 & 43 Vict. c. cxiii]

Local Government Provisional Orders (Artizans' and Labourers' Dwellings) Bill (*The Lord President*)

l. Committee^{*}; Report July 4 (No. 102)
Read 3^a July 7

Local Government Provisional Orders
(Aspull, &c.) Bill

(The Lord President)

- Read 2^a * June 17 (No. 113)
Committee *; Report June 30
Read 3^a * July 1
Royal Assent July 3 [42 & 43 Vict. c. cv]

Local Government Provisional Orders
(Axminster Union, &c.) Bill

(The Lord President)

1. Committee * June 20 (No. 94)
Report * June 23
Read 3^a * June 24
Royal Assent July 3 [42 & 43 Vict. c. civ]

Local Government Provisional Orders
(Aysgarth Union, &c.) Bill

(The Lord President)

1. Committee *; Report June 19 (No. 104)
Read 3^a * June 20
Royal Assent July 3 [42 & 43 Vict. c. lxxviii]

Local Government Provisional Orders
(Castleton-by-Rochdale, &c.) Bill

(The Lord President)

1. Read 2^a * June 17 (No. 114)
Committee *; Report June 23
Read 3^a * June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxvii]

LONDON, Bishop of

Thames River (Prevention of Floods), 2R. 132,
411

London Bridge Bill

1. Order of the Day for the Third Reading, read
June 19, 131; after short debate, Order
postponed
Moved, "That the Bill be now read 3^a"
June 26, 671
Amendt. to leave out ("now") and add ("this
day three months") (The Earl of Carnarvon);
after short debate, Amendt. withdrawn
Order for 3R. discharged; and Bill referred to
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McLAREN, Mr. D., Edinburgh

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Marriages Confirmation (Her Majesty's Ships) Bill

(Mr. Algernon Egerton, Mr. William Henry Smith, Sir Massey Lopes, Mr. Staeckley Hill)

c. Read 3^o June 20 [Bill 149]
l. Read 1^o (Lord President) June 23 (No. 124)

MARTEN, Mr. A. G., Cambridge

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MARTIN, Mr. P., Kilkenny Co.

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Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster,) Improvement Provisional Orders Confirmation Bill [H.L.] (The Viscount Cranbrook)

l. Royal Assent July 3 [42 & 43 Vict. c. lxxix]

Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment Bill (The Lord Steward)

l. Read 2^o June 17 (No. 115)
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Read 3^o June 24
Royal Assent July 3 [42 & 43 Vict. c. lxxx]

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Question, Observations, Sir Henry Selwin-Ibbetson, Mr. Monk; Replies, Mr. Raikes, Sir James M'Garel-Hogg June 24, 538; Notice of Resolution on Second Reading, Mr. Monk June 26, 685

Metropolitan Public Carriage Act Amendment Bill [R.L.] (The Lord Steward)

L. Read 2^a June 19 (No. 105)
Committee*; Report June 24
Read 3^a June 26

MIDDLETON, Viscount

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MILBANK, Mr. F. A., Yorkshire, N.R.

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Army Discipline and Regulation, Comm. cl. 44, 74; cl. 147, 1753, 1767

MILLS, Sir C., Kent, W.

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Question, Mr. Macdonald; Answer, Mr. Assheton Cross June 30, 948

Minister of Commerce and Agriculture

Moved, "That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department, under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet" (*Mr. Sampson Lloyd*) July 8, 1919

After debate, Amendt. to leave out "under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet" (*Mr. W. H. Smith*); Question proposed, "That the words, &c.;" after further short debate, Question put; A. 71, N. 65; M. 6 (D. L. 154)
Main Question put; A. 76, N. 56; M. 20 (D. L. 155)

Resolved, "That it is desirable that those functions of the Executive Government which especially relate to Commerce and Agriculture should be administered by a distinct Department, under the direction of a Principal Secretary of State, who shall be a Member of the Cabinet"

MONCK, Viscount

Cattle Disease (Ireland)—Contagious Diseases (Animals) Act, 1707

Money Laws (Ireland) Bill

(*Mr. Delahunty, Mr. Richard Power*)

c. Moved, "That the Bill be now read 2^a" June 18, 110

Amendt. to leave out "now," and add "upon this day three months" (*Sir Joseph M'Kenna*); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 30, N. 146; M. 116 (D. L. 123)

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months [Bill 12]

MONK, Mr. C. J., Gloucester City

Anti-Rent Agitation (Ireland)—Tenant Right Meeting at Milltown, 716

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MONTGOMERY, Sir G. G., Peeblesshire

Army Discipline and Regulation, Comm. cl. 131, 1581

MOORE, Mr. A. J., Clonmel

Army Discipline and Regulation, Comm. cl. 147, 1779

Navy Estimates, Comm. 888

Poor Law (Ireland)—Children in Irish Workhouses, Motion for a Select Committee, 889, 905

Supply, Report, 1055

MORAY, Colonel D., Perthshire

Army Discipline and Regulation, Comm. cl. 47, Amendt. 465, 468; cl. 78, Amendt. 778

MORGAN, Mr. G. Osborne, Denbighshire

Army Discipline and Regulation, Comm. cl. 147, 1743, 1766

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MORLEY, Mr. S., Bristol

University Education (Ireland), 2R. 664

MOWBRAY, Right Hon. J. R., Oxford University

Tower High Level Bridge (Metropolis)—Branch of Privilege—Consideration of Special Report, 1872

MULHOLLAND, Mr. J., Downpatrick
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MUNDELLA, Mr. A. J., Sheffield

Africa, South—Sir Bartle Frere's Despatches, 420, 1284, 1285

Army Discipline and Regulation, Comm. cl. 131, 1402

Inclosure Provisional Order (Maltby Lands), 2R. 1403

Indian Native Troops—Cost of Conveyance to Europe, 1712

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Mungret Agricultural School, &c. Bill

(Mr. O'Shaughnessy, Mr. Synan, Mr. Gabbett)

c. Ordered; read 1^o June 19 [Bill 218]

MUNTZ, Mr. P. H., Birmingham

Army Discipline and Regulation, Comm. cl. 44, 36; cl. 70, 552; cl. 71, Amendt. 557; cl. 87, 882; cl. 124, 1299; cl. 131, 1346, 1349; cl. 148, 1892; cl. 152, 1912

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MURE, Colonel W., Renfrew

Army Discipline and Regulation, Comm. cl. 44, 73; cl. 45, 323, 324, 326; cl. 74, 586; cl. 149, 1902, 1904

MURPHY, Mr. N. D., Cork City

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New Forest Act (1877) Amendment Bill

(Mr. Selater-Booth, Sir Henry Selwin-Ibbetson)

c. Ordered; read 1^o June 18 [Bill 210]

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(*Mr. Pell, Sir Thomas Acland, Mr. Rodwell*)

c. Ordered; read 1^o July 8 [Bill 241]

O'CLERY, Mr. K., *Wexford Co.*

Volunteer Corps (Ireland), Comm. cl. 1, 807, 809, 810; cl. 22, 1059

O'CONOR DON, The, *Roscommon Co.*

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O'GORMAN, Major P., *Waterford*

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Omnibus Regulation Bill [B.L.]

(*The Earl of Redesdale*)

1. Committee (*on re-comm.*); Report June 17, 19

(No. 41)

Read 3^o June 20

(No. 117)

c. Read 1^o (*Mr. J. R. Yorke*) June 23 [Bill 217]

ONSLow, Mr. D. R., *Guildford*

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O'SHAUGHNESSY, Mr. R., *Limerick*

Army Discipline and Regulation, Comm. cl. 91, 999; cl. 96, 1004, 1010; cl. 103, 1023; cl. 131, 1338, 1347
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O'SULLIVAN, Mr. W. H., *Limerick Co.*

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OTWAY, Mr. A. J., *Rochester*

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PARKER, Mr. C. S., *Perth*

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Parliament—Hour of Meeting for Public Business

Moved to resolve, That, in the opinion of this House, the Sittings for Public Business should commence at 4 P.M. instead of 5 P.M. (*The Earl of Dunraven*) June 20, 291; after debate, on Question? Cont. 64, Not-Cont. 101; M. 37; resolved in the negative Div. List, Cont. and Not-Cont., 304

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Note-taking in Members' Side Gallery, Question, Mr. Callan; Answer, The Chancellor of the Exchequer July 7, 1727

Rules and Orders

Withdrawal of Motion, "That this House do now Adjourn," Question, Observations, Mr. Newdegate; Reply, Mr. Speaker June 27, 840

Parliament—Prerogative of the Crown

Moved, "That the Order for resuming the Adjourned Debate on Amendment on Motion [18th May] be read, and discharged" (*Mr. Dilwyn*) June 24, 541; Motion agreed to

Parliament—Breach of Privilege—Tower High Level Bridge (Metropolis) Bill—Report of Select Committee

Special Report of the Select Committee brought up (*Lord Henry Lennox*) July 7, 1711

Moved, "That the Report be taken into consideration To-morrow at Two o'clock;" Motion agreed to

Moved, "That the Special Report of the Committee be now considered" (*Lord Henry Lennox*) July 8, 1866; after short debate,

Moved, "That Mr. Charles Grissell do attend this House to-morrow, at Twelve of the clock" (*Mr. Callan*)

Amendt. to leave out from "That," and add "the Special Report from the Committee on Group A of Private Bills be referred to a Select Committee" (*Mr. Chancellor of the Exchequer*) v.; after further short debate, Question, "That the words, &c.," put, and negatived; words added; main Question, as amended, put, and agreed to

Nomination of the Select Committee, Moved, "That Mr. Walpole be a Member of the Committee" (*Mr. Chancellor of the Exchequer*) July 9, 1956; after short debate, Motion agreed to

Mr. Dodson, Mr. Solicitor General, Mr. Gray, and Mr. Pemberton nominated other Members of the Committee

Moved, "That the Committee have power to send for persons, papers, and records" (*Mr. Chancellor of the Exchequer*); after short debate, Motion agreed to

Moved, "That it be an Instruction to the said Committee that it be an open Committee" (*Sir Patrick O'Brien*); [Not put]

Parliament—HOUSE OF LORDS

Took the Oath

1879

July 3.—The Lord Bishop of Durham, for the first time

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(*Sir Matthew Ridley, Mr. Secretary Cross*)

c. Ordered; read 1^o June 19

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l. Royal Assent July 3

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Prosecution of Offences Bill*(The Lord Chancellor)*

1. Committee June 19, 134 (No. 74)
 Report June 20 (No. 121)
 Read 3^o June 23
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Public Health Act (1875) Amendment Bill*(Mr. Alexander Brown, Mr. Whitwell, Mr. Ryder)*

- c. Bill withdrawn June 26 [Bill 33]

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- c. Committee; Report June 18 [Bill 61]
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- l. Read 1st (*Earl Stanhope*) June 20 (No. 123)
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Order (Bothwell) Bill**
(*The Lord Steward*)

- l. Royal Assent July 3 [42 & 43 Vict. c. lxi]

Public Loans Remission Bill
(*Mr. Raikes, Mr. Chancellor of the Exchequer,*
Sir Henry Selwin-Ibbetson)

- c. Considered in Committee * June 23
Resolution reported, and agreed to; Bill ordered;
read 1st * June 24 [Bill 218]
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- l. Committee; Report, after short debate June 17,
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- c. Read 2nd, after short debate July 4, 1544
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(*Mr. O'Shaughnessy, Mr. Butt, Sir Joseph*
M'Kenna)

- c. Bill withdrawn * June 19 [Bill 14]

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Saint Giles Cathedral (Edinburgh) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered; read 1^o July 8 [Bill 238]

Sale of Food and Drugs Act (1875) Amendment Bill

(*Mr. Anderson, Mr. P. A. Taylor, Mr. Whitwell*)

c. Committee* (on re-comm.); Report June 18

Considered* June 20 [Bill 139]

Read 3^o June 23

l. Read 1^o (Lord Strathford) June 24 (No. 127)

Sale of Intoxicating Liquors on Sunday

Bill (*Mr. Stevenson, Mr. Charles Wilson,*

Mr. Birley, Mr. Osborne Morgan, Mr.

William M'Arthur, Mr. James)

c. Moved, "That the Bill be now read 2^o"
July 9, 1870

Amendt. to leave out "now," and add "upon
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Question proposed, "That 'now,' &c.;"

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c. Committee *; Report June 19 [Bill 188]

Considered *; read 3^o June 23

l. Read 1^o * (*Lord Steward*) June 24 (No. 126)

Read 2^o * July 1

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(*Mr. Hanbury, Mr. Pell, Mr. Reginald Yorke*)

c. Ordered; read 1^o * June 25 [Bill 219]

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l. Read 2^a, after short debate July 7, 1899
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*Civil Service Estimates, Class IV.—The
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Considered in Committee June 19, £500,000,
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June 20

Order for Committee read; Moved, "That
Mr. Speaker do now leave the Chair"
(Mr. W. H. Smith) June 27, 888; after
short debate, Question put, and agreed to
Considered in Committee June 27, 889—NAVY

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Resolutions reported June 30, 1046

Moved, "That the said Resolutions be now
read a second time;" after short debate,
Moved, "That the Debate be now ad-
journed" (Mr. Biggar); after further short
debate, Motion withdrawn

Original Question put, and agreed to
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Supply of Drink on Credit Bill [N.L.]

(*The Earl Stanhope*)

l. Committee^a June 17 (No. 84)
Report^a June 23
Read 3^a June 24
c. Read 1^a June 27 [Bill 224]
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**Supreme Court of Judicature Acts Amend-
ment Bill**

Court of Bankruptcy, London, Questions, Mr.
Norwood, Mr. Rathbone; Answers, The
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**Supreme Court of Judicature (Officers)
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l. Read 2^a, after short debate June 19, 133
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Committee^a June 26 (No. 129)
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c. Read 1^a (Mr. Attorney General) July 8
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SYNAN, Mr. E. J., *Limerick Co.*

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1988

Thames River (Prevention of Floods) Bill

l. 2R. put off, after short debate June 19, 132
Moved, "That the Bill be now read 2"
June 23, 404

Moved, "That it be an Instruction to the Com-
mittee on the Bill, that they have power to
alter the Bill so as to charge to the rates of
the Metropolis the cost of all works carried
out on public property and the expense of
works of exceptional character and cost that
may be ordered to be executed on private
property" (*The Lord Truro*); Instruction
withdrawn

Motion agreed to; Bill read 2^a, and committed;
the Committee to be proposed by the Com-
mittee of Selection

TRACY, Hon. F. S. A. Hanbury-, Mont-
gomery

Education (Wales), Res. 1155

Tramways Act—Wantage Tramway

Question, Mr. J. Cowen; Answer, Mr. J. G.
Talbot June 26, 692

Tramways Orders Confirmation Bill

(*Mr. John G. Talbot, Viscount Sandon*)

c. Report of Select Comm.^a June 20 [No. 241]
Committee (*on re-comm.*); Report, after short
debate June 27, 925 [Bill 215]
Read 3^o June 30

l. Read 1^a (*Lord Henniker*) July 1 (No. 135)
Moved, That the Order of the 4th of March
last which limits the time for the Second
Reading of Provisional Order Confirmation
Bills be dispensed with with respect to the
said Bill, and that the Bill be now read a
second time July 8, 1822; after short de-
bate, Motion agreed to; Bill read 2^a, and
committed; the Committee to be proposed
by the Committee of Selection

Treaty of Berlin

Articles 8 and 27—*Servia and Bulgaria—*
Commercial Treaties, Questions, Mr. Cham-
berlain, Mr. Muntz; Answers, Mr. Bourke
June 26, 721

Article 9—*Rasures of the Fortresses*, Question,
Mr. C. Beckett-Denison; Answer, Mr.
Bourke July 7, 1718

Article 23—*The Provinces*, Questions, Sir
George Campbell; Answers, Mr. Bourke
June 23, 435

Treaty of Berlin—Article 61—Armenia

Moved, That an humble Address be presented
to Her Majesty for Correspondence respect-
ing the 61st Article of the Treaty of Berlin,
in respect of the Armenian people (*The Earl*
of Carnarvon) June 27, 811; after debate,
Motion withdrawn

TREVELYAN, Mr. G. O., Hawick, &c.

Army Discipline and Regulation, Comm. cl. 147,
1752

Truck System—Nailers and Rivet Makers

Questions, Mr. Sheridan, Mr. Mundella; An-
swers, Mr. Asabeton Cross June 26, 724

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133; Amendt. 404

Trustee Acts Consolidation and Amend-
ment Bill (*The Lord Selborne*)

l. Read 2^a June 26 (No. 98)

Trustees Relief Bill

(*Mr. Wheelhouse, Sir George Bowyer, Sir Bardley*
Wilmot, Mr. Isaac)

c. 2R. deferred July 7, 1822 [Bill 145]

Turkey**MISCELLANEOUS QUESTIONS**

Crete—Murder of Mr. W. Anderson, Questions,
Mr. G. Howard, Mr. Vans Agnew; Answers,
Mr. Bourke June 23, 421

Governor General of Syria, Question, Lord
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son; Answer, The Chancellor of the Exche-
quer June 23, 424

Turkey and Greece—The Papers, Question,
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953

Turnpike Acts Continuance Bill

(*Mr. Salt, Mr. Selater-Booth*)

c. Ordered; read 1^a July 8 [Bill 239]

Ulster Tenant Right (No. 2) Bill

(*Lord Arthur Hill-Trevor, Marquess of Hamil-*
ton, Viscount Castlereagh, Colonel Lowry Corry,
Mr. Mulholland)

c. Ordered; read 1^a June 18 [Bill 209]
Bill withdrawn June 9

University Education (Ireland) Bill

(*The O'Conor Don, Mr. Kavanagh, Mr. Shaw, Mr. Mitchell Henry, Lord Charles Beresford, Mr. Parnell*)

- c. Order read, for resuming Adjourned Debate on Amendt. proposed to Question [21st May], "That the Bill be now read 2^o;" and which Amendt. was, To leave out from "That" and add "while this House recognizes that the funds set free by the disestablishment of the Irish Church should be devoted to the benefit of the people of Ireland, provided they are not again applied to the support of any sectarian religion, it is not desirable to devote additional public funds to the further promotion of higher education in Ireland till adequate provision is first made for elementary teaching in that Country without aid from Imperial funds exceeding that given to other parts of the United Kingdom" (*Sir George Campbell*) v.; Question again proposed, "That the words, &c.;" Debate resumed June 25, 596; after long debate, Moved, "That the Debate be now adjourned" (*The O'Conor Don*); after further short debate, Debate adjourned

University Education (Ireland) (No. 2) Bill [H.L.] (*The Lord Chancellor*)

- l. Notice, The Lord Chancellor June 26, 670
Presented; read 1^o, after short debate June 30, 931 (No. 134)
Question, Observations, Earl Granville; Reply, The Lord Chancellor July 3, 1246;
Question, Observations, Lord Oranmore and Browne, Earl Granville; Reply, The Earl of Beaconsfield July 3, 1275
Read 2^o, after debate July 8, 1823

Valuation of Lands (Scotland) Amendment Bill (*The Earl of Galloway*)

- l. Committee, after short debate June 17, 13
Report June 26, 682 (No. 83)
Moved, "That the Bill be now read 3^o" July 8, 1263
Amendt. to leave out ("now,") and add ("this day three months") (*The Earl of Comperdown*); after debate, on Question, That ("now,") &c.; Cont. 66, Not-Cont. 29; M. 37 (Div. List, Cont. and Not-Cont. 1271)
Resolved in the affirmative; Bill read 3^o (No. 130)

VERNER, Mr. E. W., Armagh Co.

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Volunteer Corps (Ireland) Bill

(*Mr. O'Clery, Major Nolan, Lord Francis Conyngham, Major O'Boirne*)

- c. Committee (*on re-comm.*)—*r.f.* June 26, 807
Committee (*on re-comm.*); Report June 30, 1058 [Bill 200]
Considered * July 1

WADDY, Mr. S. D., Barnstaple

Army Discipline and Regulation, Comm. cl. 44, 268; cl. 47, 459; cl. 147, 1765
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WAIT, Mr. W. K., Gloucester

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WALKER, Lt.-Colonel O. O., Salford

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WALTER, Mr. J., Berkshire

Sale of Intoxicating Liquors on Sunday, 2R. 2005

Warranty of Animals Bill

(*Sir Eardley Wilmot, Mr. Forsyth, Mr. Sergeant Simon*)

- c. Ordered; read 1^o June 18 [Bill 208]

WATKIN, Sir E. W., Hythe

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WAYS AND MEANS

Inland Revenue—The Income Tax—Schedule A, Question, Mr. J. G. Hubbard; Answer, The Chancellor of the Exchequer July 4, 1418

WAYS AND MEANS

Considered in Committee June 19
Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1880, the sum of £8,567,023 be granted out of the Consolidated Fund of the United Kingdom
Resolution reported June 20

WEDDERBURN, Sir D., Haddington Burghs

Army—Auxiliary Forces—North Gloucester Militia, 925
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West India Loans Bill

(*The Lord President*)

- l. Royal Assent July 3 [42 & 43 Vict. c. 16]

WHEELHOUSE, Mr. W. St. James, *Leeds*
 Poor Law (Ireland)—Children in Irish Work-
 houses, Motion for a Select Committee, 901
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WHITBREAD, Mr. S., *Bedford*
 Army Discipline and Regulation, Comm. cl. 147,
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 Tower High Level Bridge (Metropolis) —
 Breach of Privilege, Nomination of Select
 Committee, 1962

WHITWELL, Mr. J., *Kendal*
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 769; cl. 78, 779; cl. 96, 1010; cl. 115,
 1042
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WHITWORTH, Mr. B., *Kilkenny*
 Licences (Ireland), 1719

WILLIAMS, Mr. B. T., *Garmarthen*
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WILLIAMS, Mr. W., *Denbigh, &c.*
 Army Discipline and Regulation, Comm. cl. 131,
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WILMOT, Sir J. E., *Warwickshire, S.*
 Army Discipline and Regulation, Comm. cl. 124,
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WILSON, Mr. C. H., *Kingston-upon-Hull*
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WINMARLEIGH, Lord
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WOLFF, Sir H. D., *Christchurch*
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Workmen's Compensation Bill [H.L.]
 (*The Earl De La Warr*)

l. Adjourned Debate on Motion for 2R. put off,
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Wormwood Scrubs Regulation Bill
 (*Colonel Loyd Lindsay, Mr. Secretary Stanley,*
Lord Eustace Cecil)

c. Committee* (on re-comm.); Report June 19
 Read 3^o * June 23 [Bill 205]
 l. Read 1st * (*Lord Ashford*) June 24 (No. 128)
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YORKE, Mr. J. R., *Gloucestershire, N.*
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